

Neighbourhood Planning decisions

1. Introduction

- 1.1. Neighbourhood Planning was introduced by the government through the localism act 2011 and is designed to enable local communities to draft planning policies at neighbourhood level that are intended to become part of the local planning framework for the area.
- 1.2. The council is responsible for decisions on Neighbourhood Planning matters and this pro forma seeks to formally agree and sign off the Neighbourhood Planning matters in the Borough of Lewisham.

2. How NP decisions are made

- 2.1. Decisions on Neighbourhood Planning matters are set out in the Lewisham council constitution and are made as follows.
- 2.2. With the exception of those matters listed in the table below, the following neighbourhood planning matters are delegated to the Executive Director of Housing, Regeneration and Public Realm or such person as they may nominate:-
 - All decisions in relation to neighbourhood planning as set out in the Localism Act 2011, and regulations made thereunder, including under any amendments made to the Act or secondary legislation in force from time to time, save those matters listed in the table below.

Table 1.

Any decision whether to decline to consider, refuse a proposal for a neighbourhood area, forum, plan, development order, or community right to build order
Any decision about the action to be taken in response to the report of an Examiner
Any matter which the Executive Director for Resources and Regeneration is of the view ought more appropriately to be dealt with by members.

2.3. Neighbourhood planning matters shall include, but not be limited to, all decisions relating to proposals for and declaration of neighbourhood areas, neighbourhood forums, neighbourhood plans, neighbourhood development orders, community right to build orders and all other matters set out in Part 6 Localism Act 2011, amendments thereto and all relevant regulations in force from time to time.

2.4. Where in the opinion of the Executive Director for Housing, Regeneration and Public Realm or the Council's Director of Planning a referral of a neighbourhood planning matter which has been reserved to Members, to them for decision, would entail a breach of the statutory timetable in which decisions relating to neighbourhood planning have to be made, the Executive Director for Housing, Regeneration and Public Realm or such person as she may nominate, shall have authority to make that decision provided that she informs the Mayor, or in his absence the Deputy Mayor, in writing of that fact prior to making the decision and the Mayor agrees

2.5. Any decision delegated to the Executive Director for Housing, Regeneration and Public Realm, or such person as she may nominate, may be referred to Members for decision if either the Executive Director for Housing, Regeneration and Public Realm or the Director of Planning is of the opinion that the matter ought more properly to be dealt with by Members.

2.6. If the Mayor requests an officer not to exercise delegated authority, then that officer will comply with the Mayor's request and refer the matter to Members for decision.

2.7. For the avoidance of doubt, the Mayor notes and approves that the Executive Director for Housing, Regeneration and Public Realm nominates the Director of Planning to exercise all decision making powers in respect of neighbourhood planning matters which have been delegated to them.

Information to be contained within the delegated decision report for consideration by the Director of Planning for a decision on a Neighbourhood Forum Application

1. Neighbourhood Forum Information

A) Forum Name

Bell Green Neighbourhood Forum

B) Forum overview

This is the first application submitted by this group to the Council seeking a formal designation of Neighbourhood Forum status. The Forum wishes to represent a defined Neighbourhood Area which incorporates parts of the Bellingham, Perry Vale, Rushey Green and Sydenham wards.

The proposed forum are looking for designation approval so they can work towards the production of a Neighbourhood Plan. The forum need approval of designation to begin this process formally.

2. Neighbourhood Area Information

A) Has a neighbourhood forum submitted an application for the designation of a Neighbourhood Area?

Yes

B) If no, please confirm why

Application Information

A) Type of application

Neighbourhood Area and Forum designation

B) Application submitted

Yes

C) Application assessment by officer

Yes

3. Consultation Information

A) Did this application undergo a consultation

.Yes

B) When did this consultation start/end

26/5/2022 – 7/7/2022

C) Is the officer confident that all statutory requirements were met during this consultation?

Yes

D) Has a consultation statement been submitted with this delegated decision report?

Yes

4. Decision

A) Is the delegated officer (Dir of Planning) happy to approve the forums application?

I am not happy to approve the application for the neighbourhood area and the neighbourhood area as applied for is refused.

I approve a modified area which I consider to be an appropriate area.

Therefore, as a consequence, the neighbourhood forum is unable to be designated and this is also refused.

I have considered the consultation responses both in support and in objection. Having viewed the application and the site, I am of the view that a modified area is appropriate for the reasons outlined below.

B) If the application cannot be approved please comment as to why

Section 61G(5)(c) of the 1990 Act provides that a "neighbourhood area" is an area which the local planning authority considers "appropriate".

The NPPG states that a local planning authority must designate a neighbourhood area if it receives a valid application and some or all of the area has not yet been designated (see section 61G(5) of the Town and Country Planning Act 1990 Act as applied to Neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004).

In certain circumstances, the local planning authority must designate all of the area applied for. These circumstances are where a parish council applies for the whole of their parish to be designated or where the time limit for determining the application has not been met.

In other cases the local planning authority should take into account the relevant body's statement explaining why the area applied for is considered appropriate to be designated as such.

However, except where they are required to designate the whole area applied for, a local planning authority can refuse to designate the specific area applied for if it considers the area is not appropriate. Where it does so, the local planning authority must give reasons. The authority must use its powers of designation to ensure that some or all of the area applied for forms part of one or more designated neighbourhood areas.

There is no statutory definition of "appropriate" in respect of section 61G of the 1990 Act. The Court of Appeal has held that the statute provides Councils with a wide discretion in determining whether or not an area is appropriate for designation.

The NPPG advises that the following *could* be considerations when deciding the boundaries of an appropriate neighbourhood area:

- village or settlement boundaries, which could reflect areas of planned expansion
- the catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities
- the area where formal or informal networks of community based groups operate

- the physical appearance or characteristics of the neighbourhood, for example buildings that may be of a consistent scale or style
- whether the area forms all or part of a coherent estate either for businesses or residents
- whether the area is wholly or predominantly a business area
- whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway
- the natural setting or features in an area
- size of the population (living and working) in the area

Electoral ward boundaries can be a useful starting point for discussions on the appropriate size of a neighbourhood area; these have an average population of about 5,500 residents.

Reasons

Planning Practice Guidance (PPG) sets out the considerations that should be taken into account when designating a neighbourhood area. In addition the Local Government Association (PAS) produced advice for local planning authorities on determining an appropriate neighbourhood area. To assess an appropriate area in accordance with the PPG and PAS guidance, an LPA must ensure neighbourhood areas are coherent, consistent and appropriate in planning terms

I am not satisfied that the area identified is an appropriate area in planning terms. It covers a wide ranging area which is not an easily identifiable neighbourhood. Despite advice that encourages early consultation with LPAs about the appropriate boundaries, advice was not sought by the proposed Bell Green neighbourhood forum about the extent of the area to enable this to be reviewed prior to submission. This is unfortunate.

I note that the majority of public comments are positive and support the area and proposed forum, however, there are some objections to the extent of the area. I have taken the relevant comments in support and objection into account and have reached a balanced decision, informed by a site visit, that this is not an easily identified single or coherent neighbourhood.

The majority of public comments note support around three key themes; the need for more community involvement in planning decisions, the need for more investment in the area and feelings from respondents that the area has been overlooked. A number of comments are focussed around the desire to see improvement to the road system and retail park and giving the community a greater say over that. These are recognised and are reasonable aims for the community to have. The comments in objection, although much fewer in number, raised concerns with how representative the group was of the wider area and whether the boundary of the area was appropriate and represented a single coherent neighbourhood. Although few in number, I have placed significant weight on these objections which address the issues that the LPA have to consider about the appropriateness of the area being applied for. This is questioned by some and with my knowledge of the area plus work that the Planning Service have undertaken about characterisation, I recognise these concerns.

C) What is the next step in this process if application has not been approved?

I am recommending that a modified area is designated to meet the requirement for the Neighbourhood area to be appropriate having taken in to account all consultation comments. This includes those received that note concerns with the appropriateness of designating a smaller area and the legality of taking such a decision. I have reached this view based on a review of the

Characterisation Study which is an evidence base document for the local plan in addition to a site visit to look at the area in question. The Characterisation Study document was prepared following community consultation and notes that the Bell Green Area is more focussed around the main Bell Green site with the railway to the east and main roads to the west forming a boundary. This has formed my starting point for defining an appropriate area.

I have also considered the comments in support of the area and forum which focus around the main Bell Green retail park and a desire to see that improved along with the gyratory. This would be the focus of the modified area.

Following a visit to the area in question, I have reviewed the boundary further based on the relevant matters listed in the NPPG. The modified area that is considered to be appropriate is centred around the main Bell Green site, being the focus of the neighbourhood forum and area application as submitted. As stated above, looking at the characterisation study, it's clear that Bell Green is a smaller neighbourhood than that applied for with the railway line being a clear edge to the east. South of Stanton Way, Bell Green Lane with the physical wall along its length forms a suitable boundary that encompasses Home Park within the neighbourhood. This wall is a strong physical feature that presents an edge to Home Park and would focus the appropriate area towards the main road, ensuring that the area represents a cohesive community. At the western boundary, the main road forms a reasonable extent, focussed on a key route and the main shops and residential frontages along that. This also follows the approach in the characterisation study. To the south, there is a clear change in character at Kent House Road where the style of properties changes to be read as part of Sydenham. The modified boundary therefore comes behind the buildings that front that road. To the north, there is a mix of styles and age of properties and the 1930s houses are included within the boundary, taking in Datchet Road and Clowders Road as a more suitable edge for the neighbourhood area to keep a focus on and around Bell Green.

In reaching this view, the main aims of the neighbourhood forum have been considered. I am satisfied that those aims can continue to be addressed within the modified area that is proposed to be designated.

In designating a reduced Neighbourhood Area, I am mindful that the forum membership will need to be revisited to meet the statutory requirements and would invite the submission of a revised forum application.

5. Sign off

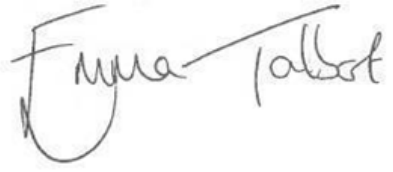
I have shared my intended recommendation and reasons as outlined above with the Mayor and he is satisfied that the decision can be delegated to me.

I therefore:

Refuse the neighbourhood area application

Designate a modified area as outlined on the appended plan

Refuse the neighbourhood forum application

A handwritten signature in black ink that reads "Emma Talbot". The signature is written in a cursive style with a large, looped initial 'E'.

Emma Talbot

Director of Planning

24th August 2022

Modified Bell Green Neighbourhood Area as designated

