



## Mayor and Cabinet

### Building for Lewisham Appropriation for Planning

**Date:** 1 February 2023

**Key decision:** Yes

**Class:** Part 1

**Ward(s) affected:** Forest Hill and Perry Vale.

**Contributors:** Executive Director for Housing, Regeneration and Public Realm, Executive Director of Corporate Resources and Director of Law, Corporate Governance and Elections.

## Outline and recommendations

*The Building for Lewisham programme highlighted a number of Council owned sites held within the Housing Revenue Account (HRA) which were underused in their current form and therefore presented opportunities to deliver new housing. The sites at Drakes Court and Valentine Court are two of these sites. Planning permission has been secured for Drakes Court for the delivery of 8 genuinely affordable rented homes. Planning permission has also been secured for new homes on the Valentines Court estate to deliver 41 new homes of which 26 will be genuinely affordable rented homes and 15 will be affordable home ownership homes (shared ownership). All of the affordable homes for rent will be allocated to households on the Council's housing register.*

*In order to progress the scheme and avoid delays to the programme, this report seeks the approval Mayor and Cabinet to appropriate for planning purposes under section 122 of the Local Government Act 1972 the Council's land at Drakes Court and Valentines Court in order to facilitate the delivery of the schemes for which planning permission has been granted by the Council as local planning authority.*

*It is recommended that Mayor and Cabinet:*

*Notes that officers published open space notices in respect of the proposed appropriation of the Council owned open space land at Drakes Court and Valentines Court as shown on the attached plans at Appendix A and Appendix B;*

*Notes that no responses were received in relation to the notices as set out in Section 7;*

*Agrees to the appropriation of the Council owned land at Drakes Court, as outlined in red on the plan attached at Appendix A, from housing purposes to planning purposes under Section 122 of the Local Government Act 1972 as it is no longer required for the purpose for which it is currently held, and the Council believes that the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land pursuant to section 226(1)(a) of the Town and Country Planning Act 1990;*

*Agrees to the appropriation of the Council owned land on the Valentine Court estate, as outlined in red on the plan attached at Appendix B, from housing purposes to planning purposes under Section 122 of the Local Government Act 1972 as it is no longer required for the purpose for which it is currently held, and the Council believes that the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land pursuant to section 226(1)(a) of the Town and Country Planning Act 1990);*

*Agrees to the appropriation of the Council owned land at Drakes Court, as outlined in red on the plan attached at Appendix A, from planning purposes back to housing purposes under Section 122 of the Local Government Act 1972;*

*Agrees to the appropriation of the Council owned land on the Valentine Court estate, as outlined in red on the plan attached at Appendix A, from planning purposes back to housing purposes under Section 122 of the Local Government Act 1972; and*

*Delegates authority to the Executive Director for Executive Director for Housing, Regeneration and Public Realm in consultation with the Director of Law, Governance and Elections to deal with any necessary arrangements to record the appropriation of each site for planning purposes including the transfer of the land from the Housing Revenue Account (HRA) to the General Fund account (GF) at the current red book value; the transfer of the land from the GF to the HRA at the current red book value; to negotiate and enter into agreements by deed and payment of compensation for the release of third-party rights where this can be achieved on reasonable terms within a reasonable timescale; and to take all necessary steps to settle claims for compensation under section 204 of the Housing and Planning Act 2016.*

## **Timeline of engagement and decision-making**

Mayor and Cabinet, 11 July 2018 – New Homes Programme

Mayor and Cabinet, 15 January 2020 – Building for Lewisham Programme

Mayor and Cabinet, 9 July 2020 – Building for Lewisham Update

Mayor and Cabinet, 10 March 2021 - Building for Lewisham Programme Requirements

Mayor and Cabinet, 19 May 2021 - Building for Lewisham Programme Requirements

Mayor and Cabinet, 14 July 2021 – Building for Lewisham Programme – Enabling Works

Mayor and Cabinet, 12 January 2022 – Building for Lewisham Update

**This report is a Key Decision, therefore any decision will be subject to scrutiny**

## **1. Summary**

- 1.1. Officers have undertaken to provide regular updates to Mayor and Cabinet on the delivery of new housing and to seek approvals as required for the Building for Lewisham programme and wider housing delivery in the borough. This report provides an update on progress as well as seeking approval to appropriate land to enable the ongoing delivery of specific schemes.

## **2. Recommendations**

It is recommended that Mayor and Cabinet:

- 2.1. Notes that officers published open space notices in respect of the proposed appropriation of the Council owned open space land at Drakes Court and Valentines Court as shown on the attached plans at Appendix A and Appendix B;
- 2.2. Notes that no responses were received in relation to the notices at set out in Section 7;
- 2.3. Agrees to the appropriation of the Council owned land at Drakes Court, as outlined in red on the plan attached at Appendix A, from housing purposes to planning purposes under Section 122 of the Local Government Act 1972 as it is no longer required for the purpose for which it is currently held, and the Council believes that the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land pursuant to section 226(1)(a) of the Town and Country Planning Act 1990;
- 2.4. Agrees to the appropriation of the Council owned land on the Valentine Court estate, as outlined in red on the plan attached at Appendix B, from housing purposes to planning purposes under Section 122 of the Local Government Act 1972 as it is no longer required for the purpose for which it is currently held, and the Council believes that the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land pursuant to section 226(1)(a) of the Town and Country Planning Act 1990);
- 2.5. Agrees to the appropriation of the Council owned land at Drakes Court, as outlined in red on the plan attached at Appendix A, from planning purposes back to housing purposes under Section 122 of the Local Government Act 1972;
- 2.6. Agrees to the appropriation of the Council owned land on the Valentine Court estate, as outlined in red on the plan attached at Appendix A, from planning purposes back to housing purposes under Section 122 of the Local Government Act 1972; and

- 2.7. Delegates authority to the Executive Director for Executive Director for Housing, Regeneration and Public Realm in consultation with the Director of Law, Governance and Elections to deal with any necessary arrangements to record the appropriation of each site for planning purposes including the transfer of the land from the Housing Revenue Account (HRA) to the General Fund account (GF) at the current red book value; the transfer of the land from the GF to the HRA at the current red book value; to negotiate and enter into agreements by deed and payment of compensation for the release of third-party rights where this can be achieved on reasonable terms within a reasonable timescale; and to take all necessary steps to settle claims for compensation under section 204 of the Housing and Planning Act 2016.

### **3. Policy Context**

- 3.1. The Council's Corporate Strategy (2022-2026) explains our values, priorities and focus for the next four years, our learning from how the borough worked together in response to the pandemic, and how we plan to continue improving our services for residents, businesses and partners in an ever more challenging environment.
- 3.2. Above all, the strategy outlines the principles that showcase who we are as an organisation; our focus on equality, putting our residents at the centre of everything we do and ensuring transparency and sound financial management are embedded within all key decisions the council makes.
- 3.3. Delivering this strategy includes the following priority outcomes that relate to the provision of new affordable homes:
- Cleaner and Greener – working to tackle the climate crisis through our development policies.
  - A Strong Local Economy – continue to expand our apprenticeship programme and invest in our high streets, doing what we can to be the best place in London for new businesses.
  - Quality Housing and Safer Communities – we will deliver more social homes for Lewisham residents, providing as many people as possible with safe, comfortable accommodation that they can be proud of and happy to live in.
  - Open Lewisham – we will co-design services and ensure strong consultation processes that reach out to people whose voices are seldom heard.
- 3.4. Housing Strategy (2020-2026), includes the following themes that relate to the provision of new affordable homes:
1. delivering the homes that Lewisham needs.
  2. preventing homelessness and meeting housing need.
  3. improving the quality, standard and safety of housing.
  4. supporting our residents to live safe, independent and active lives.
  5. strengthening communities and embracing diversity.

### **4. Background**

- 4.1. In January 2020 the Building for Lewisham (BfL) programme was officially launched. The programme is to provide much needed genuinely affordable new homes through a partnership with the Council's Arm's Length Management Organisation, Lewisham Homes, and partner Registered Providers.
- 4.2. The BfL programme highlighted a number of Council owned sites held within the Housing Revenue Account (HRA) which were underused in their current form and therefore presented opportunities to deliver new housing.

- 4.3. The sites at Drakes Court and Valentine Court are two of these sites. Planning permission has been secured for Drakes Court for the delivery of 8 genuinely affordable rented homes. Planning permission has also been secured for new homes on the Valentine Court estate to deliver 41 new homes of which 26 will be genuinely affordable rented homes and 15 will be affordable home ownership homes (shared ownership). All of the affordable homes for rent will be allocated to households on the Council's housing register.
- 4.4. The BfL programme is not only providing the much needed genuinely affordable homes that our residents need, but is also delivering wider social value benefits for residents through training and employment opportunities as well as improvements to existing estates, thereby making the best use of Council assets.

## **5. Drakes Court**

- 5.1. Drakes Court is in the Forest Hill Ward. The estate at Drakes Court comprises of two existing low-rise residential blocks surrounded by green space, a ball court and hardstanding areas. It is situated between Devonshire Road and Ewelme Road, SE23.
- 5.2. Officers identified the site as having potential to build much needed new affordable homes and included it in the Building for Lewisham programme.
- 5.3. Lewisham Homes have been engaging with residents and other key stakeholders to bring forward an infill scheme to deliver 8 new homes. The engagement has included newsletters, door-knocking, a dedicated Commonplace site, surveys and drop-in events and online video conferencing meetings.
- 5.4. In March 2021, Council Officers carried out a consultation with local residents under s105 of the Housing Act 1985. The outcome of the consultation was reported to Mayor and Cabinet on 19 May 2021 where the recommendation to continue work on the proposed development was approved.
- 5.5. On 7 June 2022, Lewisham Homes submitted a full planning application (DC/22/127093) for 8 new properties together with new play space, cycle parking spaces, refuse/recycling stores and associated landscaping works on the site. The permission is for 4x 1 bed properties, 3x 2 bed properties and 1x 3 bed property. Planning permission was granted on 26 August 2022. All properties will be for social rent.
- 5.6. The Council owns the freehold interest of the site shown on the attached plan at Appendix A. The Council acquires and holds property for various statutory purposes in order to provide its various functions. The site is currently held by the Council for housing purposes within the Housing Revenue Account. In accordance with Section 122 of the Local Government Act 1972, an authority may appropriate land from one purpose to another, when it is no longer required for the purpose for which it was previously held.
- 5.7. The land is a combination of open space and hardstanding associated with the disused pramsheds. Accordingly, the land is no longer required for the purpose for which it was originally held.
- 5.8. The appropriation will mean that the land will transfer to the General Fund. As the land will be used to deliver new affordable homes, the land will need to be appropriated back to the Housing Revenue Account.

## **6. Valentines Court**

- 6.1. Valentines Court is in the Perry Vale Ward. The estate currently comprises of seven blocks, split by Perry Vale Road. These blocks are surrounded by green space as well as un-used buildings and hardstanding areas.
- 6.2. Officers identified the estate as a potential development site to be included in the

Building for Lewisham programme, specifically the area around the former derelict laundry building, caretakers facility, play area (being re-provided), hardstanding and some green space.

- 6.3. Lewisham Homes have been engaging with residents and other key stakeholders to bring forward an infill scheme across a number of locations on the estate. The engagement has included newsletters, door-knocking, a dedicated Commonplace site, surveys and, online video conferencing meetings and pop up events at the site.
- 6.4. In March 2021, Council Officers carried out a consultation with local residents under s105 of the Housing Act 1985. The outcome of the consultation was reported to Mayor and Cabinet on 19 May 2021 where the recommendation to continue work on the proposed development was approved.
- 6.5. The derelict laundry building and caretakers facility were demolished in January 2022 in preparation for commencement of the main works.
- 6.6. On 31 May 2022, Lewisham Homes submitted a full planning application (DC/22/127024) for 41 new residential properties, including new play spaces, provision of car parking spaces, cycle parking spaces, refuse/recycling stores, new public realm and associated landscaping works to be built on locations across the estate and a new crossing for Perry Vale road. The submission is for 15x 1 bed properties, 19x 2 bed properties and 7x 3 bed properties. Planning permission was granted by Committee on 29 September 2022. All properties will be affordable, with 26 being for genuinely affordable rent and 15 for shared ownership.
- 6.7. The Council owns the freehold interest of the site shown on the attached plan at Appendix B. The Council acquires and holds property for various statutory purposes in order to provide its various functions. The site is currently held by the Council for housing purposes within the Housing Revenue Account. In accordance with Section 122 of the Local Government Act 1972, an authority may appropriate land from one purpose to another, when it is no longer required for the purpose for which it was previously held.
- 6.8. The land was originally occupied by a disused laundry building, former caretaker's facility, play area (to be re-provided), hardstanding and green space. Accordingly, the land is no longer required for the purpose for which it was originally held.
- 6.9. The appropriation will mean that the land will transfer to the General Fund. As the land will be used to deliver new affordable homes, the land will need to be appropriated back to the Housing Revenue Account.

## **7. Public Open Space Notices**

- 7.1. The land as outlined in appendices A and B contains land is on housing estates and is maintained through the Housing Revenue Account (HRA). As such, it should only be used by residents of the estate. However, it could be seen that this land is open to the public at large and in order to avoid any ambiguity, officers have published Open Space Notices giving people the opportunity to make representations on the proposed appropriation.
- 7.2. The land on both sites is a combination of hardstanding, part of under used green space and, at Valentine Court, a play area. As well as providing much needed new affordable homes, the new developments will provide new and improved landscaping and at Valentine Court a new play area and safe crossing between the two sections of the estate.
- 7.3. As stated in paragraphs 5.4 and 6.4, officers have already conducted a consultation on the use of the land through a s106 consultation with secure tenants of Drakes Court and Valentine Court in March 2021. The consultation was also extended to leaseholders. On 19 May 2021 Mayor and Cabinet considered the responses to the consultations and agreed to continue with the proposed development of the sites.

- 7.4. The Council own the freehold of the land as outlined in appendices A and B. Whilst the Council will continue to own the freehold, the process of appropriation as set out in Section 8 below is technically considered a disposal and therefore the notices have been published.
- 7.5. Officers published Open Space Disposal Notices for the site identified in appendices A and B in local press on 11 January 2023 and 18 January 2023. Representations were to be submitted to the Council by 25 January 2023.
- 7.6. No responses were received relating to the Open Space Disposal Notice for Drakes Court. No responses were received relating to the Open Space Disposal Notice for Valentine Court.

## **8. Appropriation**

- 8.1. Under Section 122 of the Local Government Act 1972, the Council may appropriate for any purpose for which the Council is authorised by statute to acquire land by agreement any land which belongs to it and is no longer required for the purpose for which it is held immediately before the appropriation.
- 8.2. Under Section 226(1)(a) of the Town and Country Planning Act 1990 the Council has power to acquire compulsorily land in its area for planning purposes if it thinks that the acquisition will facilitate the carrying out of development/re-development or improvement on or in relation to the land. The Council must not exercise the power under Section 226(1)(a) unless it thinks that the development/re-development or improvement is likely to contribute to the achievement of one or more of the following objects:
  - (a) the promotion or improvement of the economic well-being of the area;
  - (b) the promotion or improvement of the social well-being of the area;
  - (c) the promotion or improvement of the environmental well-being of the area.
- 8.3. The Council has power to appropriate land for planning purposes on the same basis. In this case, the appropriation of the land for planning purposes will facilitate the development of the land in question.
- 8.4. The development of Drakes Court will contribute to the social well-being of the area by providing much needed new homes, specifically 4x 1 bedroom homes, 2x 2 bedroom homes and 1x 3 bedroom homes. 1 of the new homes will be homes adapted/adaptable for residents with disabilities.
- 8.5. The development of Valentine Court will contribute to the social well-being of the area by providing much needed new homes, specifically 15x 1 bedroom homes, 19x 2 bedroom homes and 7x 3 bedroom homes. 4 of the new homes will be homes adapted/adaptable for residents with disabilities.
- 8.6. The carrying out of developments also contributes to the economic and environmental well-being of the areas creating new opportunities for local employment and apprenticeships.
- 8.7. Land is held by the Council subject to any existing interests and rights belonging to third parties. Under Section 203 of the Housing and Planning Act 2016, a person may carry out building work or use land to which Section 203(1) and 203(4) apply even if it involves interfering with a relevant right or interest or, breaching a restriction as to the user of the land arising by virtue of a covenant. The power applies where:
  - (i) there is planning consent for the building works;
  - (ii) the land has at any time on or after 13 July 2016 either been vested in or acquired by the authority or appropriated for planning purposes
  - (iii) the authority could acquire the land compulsorily for the works/use; and

(iv) the works/use is for purposes relates to the purposes for which the land was vested, acquired or appropriated.

- 8.8. The power will therefore apply following the appropriation of the land for planning purposes.
- 8.9. These parcels of land are held within the Housing Revenue Account for housing purposes. It is proposed that these parcels of land be appropriated for planning purposes under section 122 of the Local Government Act 1972 and subject to the powers provided by section 237 of the Town & Country Planning Act 1990. This will support the regeneration potential of these parcels of land and the effect of appropriating land in this way is that the rights of affected third parties (such as rights of light and rights of access) can be overridden to the extent that they become a potential entitlement to compensation rather than a right to obtain an injunction to prevent the scheme happening.
- 8.10. Assessment of compensation for the loss of rights would be calculated on the basis of the before and after market value of the affected properties. It will be for the owners to demonstrate that that the loss is likely to cause inconvenience to them and affect the enjoyment of their properties and to substantiate any claim for compensation.
- 8.11. The Drakes Court site has historic covenants dating to a deeds from 1859 and 1885 and the Valentines Court site has historic covenants dating from 1906 and 1929. It is not unusual for there to be the presence of historic covenants.
- 8.12. Whilst it is possible to identify the registered rights / interests that may be interfered with as part of any proposed development through detailed title investigation and site surveys, it is much harder to identify unregistered rights / interests that are likely to be interfered with as part of any development project. The ability of s203 HPA 2016 to override rights and interests applies not only to registered rights and interests but also unregistered rights and interests.
- 8.13. It is highly unlikely that it would be possible to identify and extinguish all third-party rights which burden the land by private agreement before development is due to commence in Summer 2023. The Council may never actually hear from some of the affected third-parties, and some may refuse to co-operate on a reasonable basis and within a reasonable time. If the land is not appropriated before the development is commenced and any infringement of a third-party right occurs, the primary remedy for the affected party would be to seek an injunction preventing the development. The court can award damages where it considers this an adequate remedy. The consequences of such proceedings for the Council, if successful, could be to prevent delivery of the development or even if unsuccessful, would risk causing delay.
- 8.14. Indemnity insurance has been considered but this would not eradicate the risk of injunction, therefore officers recommend appropriation of both the Drakes Court and Valentines Court sites.
- 8.15. Both sites have a number of adjacent properties owned by third parties. Right to Light surveys have been carried out to establish if there is any loss of light to those properties as a result of the proposed developments. The surveys found that there is an impact and as a result, the Right to Light surveyor has undertaken an assessment of the impact and level of compensation that may be applicable.
- 8.16. The assessed level of compensation should claims come forward is minimal and can be managed within total scheme budgets.
- 8.17. Through the recommended appropriation, the assets would transfer from the Housing Revenue Account into the General Fund. So as not to place additional burden on the General Fund, officers recommend that Mayor and Cabinet agree to appropriate the land back for housing use.

## **9. Financial implications**

- 9.1. There is no direct cost to the appropriation of land, however by appropriating the land the Council will enable the New Build programme to proceed and thus reduce the risks of not being able to take advantage of external grant monies or Right to Buy receipts allocated to this programme with these funds potentially not being used and needing to be returned.
- 9.2. As stated in the report, the assessed level of compensation that may be claimed is considered minimal and can be managed through the total scheme cost budgets allocated to the schemes.
- 9.3. The transfer of land from the HRA to the General Fund and back to the HRA, does not result in any cost to the General Fund. Any compensation due will be paid from the HRA project budget.

## **10. Legal implications**

Melanie Dawson (Principal Lawyer – Place)

### **Appropriation for Planning Purposes – General Comments**

- 10.1. The Council has power under section 122 of the Local Government Act 1972 to appropriate land belonging to it that is no longer required for the purpose for which it was held immediately before the appropriation, provided that the new purpose is one for which the Council would be authorised to acquire land by agreement.
- 10.2. Appropriation for planning purposes allows the Council to commence development works even though such works might interfere with the rights of third parties affected by the development. If the Council chose not to appropriate for planning purposes prior to works commencing, then it would potentially be infringing third party rights. The remedy for such an infringement is an injunction which the courts may grant at their discretion. Alternatively, damages might be awarded if the court considers this an adequate remedy. If affected third parties initiated proceedings the court might also grant an injunction pending the court's decision on whether there has been an infringement of their rights or not. Therefore, if the Council chooses not to appropriate for planning purposes as proposed, it is possible that commencement of the development and delivery of the schemes might be delayed.
- 10.3. It is considered that the Council's land which is the subject of this report could be acquired compulsorily under section 226(1)(a) of the Town and Country Planning Act in order to facilitate the carrying out of redevelopment and that such redevelopment would advance at least one of the three objectives identified at section 226(1A), i.e. the promotion or improvement of the economic, social and environmental well-being of the area).
- 10.4. Appropriation for planning purposes will engage section 203 of the Housing and Planning Act 2016 which allows the Council to override private third party rights, subject to payment of compensation provided certain other conditions are met: planning permission must have been obtained for the building and/or use of the land that causes the infringement of third-party rights; the Council could (at least in principle) acquire the land compulsorily for the relevant building work and/or use; and the building work and/or use is for purposes related to the purposes for which the land was appropriated. These conditions have been met. Therefore any affected third parties would be entitled to statutory compensation when development takes place, but they would not be entitled to damages or an injunction once the land has been appropriated.
- 10.5. A decision to override third party rights is an interference with rights protected under Articles 1 and 8 of the Protocol to the European Convention on Human Rights. Such interference must strike a fair balance between the public interest associated with the

developments proposed and private rights. The Council must further ensure that any interference is no more than is necessary. The public benefit associated with each development is described in this report and any person who can show that they hold an interest in the land will be entitled to compensation in accordance with the relevant statutory provisions. It is therefore considered that the interference with the private rights of those affected would be lawful, justified and proportionate and compatible with the European Convention on Human Rights.

- 10.6. Compensation to affected third parties will be calculated on the same basis at compensation payable under sections 7 and 10 of the Compulsory Purchase Act 1965. If there is a dispute about the amount of compensation which is due, the matter can be referred to the Upper Tribunal for determination.

#### **Appropriation of open space land**

- 10.7. Open space is a special category of land which requires a more formal process before it can be appropriated. Open space is defined as any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground.
- 10.8. Before appropriating open space land, a local authority must (in accordance with (Section 122(2A) of the Local Government Act 1972): advertise its intention to appropriate open space land for two consecutive weeks in a newspaper circulating in the local area and consider any objections to the proposed appropriation.

#### **Equalities**

- 10.9. In deciding to proceed with the exercise of appropriation as proposed in this report the Council must pay due regard to its Public Sector Equality Duty, as set out in Section 149 of the Equalities Act 2010 and consider whether any adverse impacts on a protected group can be mitigated.
- 10.10. Within the process of engaging and negotiating with affected third parties, officers should take account of vulnerable parties in accordance with the Public Sector Equality Duty.

#### **Appropriation between the HRA and the General Fund**

- 10.11. Section 32(2) of the Housing Act 1985 requires that there should be no disposal of land (including by way of appropriation) held within a Housing Revenue Account (HRA) without the consent of the Secretary of State. The Secretary of State has issued a number of general consents known as the General Housing Consents 2013. Paragraph A3.2 of the General Consents allows the Council to dispose of 'vacant land' without the need for a specific consent from the Secretary of State. It is confirmed that the land to be appropriated is 'vacant' land. Further to that it states at paragraph 8 of the Commentary to the General Consents that the disposal can be for any price determined by the local authority
- 10.12. The appropriation from the HRA to the General Fund and back will result in an accounting adjustment rather than a sale/purchase of land. In conducting its financial affairs the Council must comply with the requirements of the Local Government Act 2003, the Local Authorities (Capital Financing & Accounting – England) Regulations 2003, the Localism Act 2011 and have regard to the CIPFA Treasury Management and Prudential Codes.

## **11. Equalities implications**

- 11.1. The appropriation of the Council owned land at Drakes Court and Valentine Court is not believed to have any direct equalities implications to local residents. As stated, impacted residents may have the right to claim compensation which would be independently assessed.
- 11.2. The appropriation will allow for the unhindered delivery of new Council owned homes for social rent, which result in a net positive outcome for a greater number of people.

Not providing new Council owned homes for social rent means that there are greater disproportionate impacts on those on the Housing Register and in temporary accommodation, as they will remain inadequately housed for longer.

- 11.3. Lewisham Homes on the Council's behalf consider any impact and implications in relation to protected characteristics as the scheme progresses through design, planning and construction stages. It should be noted that the Council is committed to ensuring our developments will be inclusive and feature accessible and adaptable homes that will meet the needs of our residents throughout their life.
- 11.4. Equalities implications will continue to be assessed as the schemes progress through the design, planning and construction process.

## **12. Climate change and environmental implications**

- 12.1. Existing planning consents are and will be in line with the high standards expected by Lewisham Council and the GLA. Developments will consider the guidance including seeking to reduce energy consumption, emissions, and climate change.
- 12.2. In relation to the Drakes Court site, the energy supply for the homes will be provided through air source heat pumps. Mechanical Ventilation units are also proposed within each home which would be a positive addition to the scheme.
- 12.3. In relation to the Valentine Court site, the proposed energy strategy is to provide heating and hot water via air source heat pumps (ASHP's). Also, high efficiency mechanical ventilation heat recovery (MVHR) are proposed.
- 12.4. Every effort will be made to enhance the natural environment, enhance landscape and amenity space. This will include undertaking demolition and construction works in line with environmental protection and public health guidelines and seek to limit the impact.

## **13. Crime and disorder implications**

- 13.1. There are no direct crime and disorder implications arising from this report.

## **14. Health and wellbeing implications**

- 14.1. There are no direct health and wellbeing implications arising from this report although the provision of new social homes will have a positive impact on health and wellbeing of people on the housing register waiting for permanent accommodation.

## **15. Social Value Implications**

- 15.1. Lewisham Homes will address social value benefits for the Lewisham community when procuring and awarding contracts for works.

## **16. Report author and contact**

- 16.1. James Ringwood, Housing Development Manager  
([james.ringwood@lewisham.gov.uk](mailto:james.ringwood@lewisham.gov.uk))

## **17. Appendices**

- 17.1. Appendix A – Public Notice of Appropriation of Open Space Land at Drakes Court  
Appendix B - Public Notice of Appropriation of Open Space Land at Valentine Court