

| MAYOR & CABINET | | | |
|----------------------------|--|-------------|---------------|
| Report Titles | Brasted Close Housing Development | | |
| Key Decision | Yes | | |
| Ward | Sydenham | | |
| Contributors | EXECUTIVE DIRECTOR FOR CUSTOMER SERVICES, EXECUTIVE DIRECTOR FOR RESOURCES & REGENERATION, HEAD OF LAW | | |
| Class | Part 1 | Date | 23 March 2016 |

1. Summary

- 1.1 Lewisham, and London more generally, faces severe housing pressures across all tenures. A combination of historic and on-going lack of new supply, welfare reform and rising property prices and rents has led to rapidly increasing demand in all tenures.
- 1.2 In order to respond to this increased demand and to provide a greater range and volume of housing options to enable the Council to meet its statutory obligations, officers are pursuing a wide range of new housing development approaches in order to meet demand. One such approach is working with Community Land Trusts (CLT).
- 1.3 Community Land Trusts are local organisations set up and run to develop and manage homes as well as other assets important to that community. The CLT's main task is to make sure these homes are genuinely affordable, based on what people actually earn in their area, not just for now but for every future occupier. CLT's are providing housing solutions which are not available via other forms of affordable housing and are therefore allowing access to the housing market to those who would otherwise be excluded.
- 1.4 The Housing Strategy 2015-2020 has a commitment to work with our communities and partners in order to maximise our ability to deliver well defined and affordable new homes for Lewisham and an objective to work with and support resident-led development. Lewisham is one of the leading authorities in the country on working in partnership with CLT's on affordable housing developments. The Council is already working with The Rural Urban Synthesis Society Community Land Trust (RUSS) on a site in Church Grove which will provide 33 affordable homes in the borough.
- 1.5 A further potential development site for a CLT has been identified in Brasted Close, Sydenham. The current site has 17 garages and is on Housing Revenue Account (HRA) land. Early scoping studies have indicated that 12-14 homes can be built on the site. Officers have undertaken a statutory S105 consultation with local secure tenants on using the land for a housing development, and have also sought comments from leaseholders, freeholders and other interested parties.

- 1.6 This report includes information following the consultation carried out with residents on the proposal to build affordable housing on the site and provides information on working with Lewisham Citizens and the London Community Land Trust to develop their plans.

2. Purpose of Report

- 2.1 To ask the Mayor to consider the responses from residents to the formal Section 105 consultation carried out on the Brasted Close estate and to declare the land surplus to the Council's requirements.
- 2.2 To ask the Mayor to agree to develop plans with Lewisham Citizens and the London Community Land Trust for the site with a view to disposing the land to them to provide affordable housing.

3. Policy Context

- 3.1 The scheme supports the Sustainable Community Strategy 2008 – 2020 especially the priority outcomes Reducing inequality – narrowing the gap in outcomes for citizens; Clean, green and liveable – where people live in high quality housing and can care for and enjoy their environment and Dynamic and prosperous – where people are part of vibrant communities and town centres, well connected to London and beyond.
- 3.2 The scheme also supports the Lewisham's Core Strategy which has the objective to make provision for the completion of an additional 18,165 net new dwellings from all sources between 2009/10 and 2025/26, to meet local housing need and accommodate the borough's share of London's housing needs. This aims to exceed the London Plan target for the borough. The Core Strategy also has the objective to make provision to meet the housing needs of Lewisham's new and existing population, which will include:
- provision of affordable housing
 - a mix of dwelling sizes and types, including family housing
 - lifetime homes, and specific accommodation to meet the needs of an ageing population and those with special housing needs
 - bringing vacant dwellings back into use.

4. Recommendations

It is recommended that the Mayor:

- 4.1 having considered the responses to the statutory Section 105 consultation, agrees to declare the garage site on the Brasted Close estate shown on the attached plan surplus to the Council's requirements;
- 4.2 agrees that officers work with the London Community Land Trust and Lewisham Citizens exclusively for a period of twelve months to seek to develop a fully affordable housing scheme for the site.
- 4.3 Notes that officers will provide a further report to Mayor and Cabinet to agree the disposal terms if a viable business case for pursuing the development can be finalised.

5. Disposal of the open land and garages on the Brasted Close estate

- 5.1 The potential site for a community land trust development consists of garages and small grassed area on the Brasted Close estate in Sydenham shown on the attached plan.
- 5.2 There are 17 garages on the site, 15 of which are currently in use with only 4 being let to current residents of the estate.
- 5.3 If the site ceases to be used for its current purpose, officers and Lewisham Homes staff will work with the tenants of the garages to identify whether there are available garages in the 4 other garage sites in the area. There is parking available on the estate and in surrounding streets.

6 Section 105 Consultation

- 6.1 Given the proximity of the site to secure tenants living in the surrounding area, officers have carried out a statutory S105 consultation with those tenants about the potential disposal of the site to enable the construction of new homes. A copy of the letter that was sent to residents, including a site plan can be found at Appendix A to this paper.
- 6.2 In addition to the statutory consultation, officers also wrote to leaseholders and freeholders on the estate and to the Headteacher of the neighbouring St Bartholomew's Primary School.
- 6.3 The consultation letters were hand delivered on 6 January 2016 and the consultation ran for 28 days. In that time none of the 51 secure tenants have responded. One response was received from a resident leaseholder who has shown concern over the proposal.
- 6.4 The main issues raised by the respondent expressing concern, was in relation to the potential loss of some grassed area which is safe for children to play, the strain on parking, emergency vehicle access and the proximity of a development to current buildings. The Council has responded advising that the red line plan provided is indicative of the site and that the use of the grassed area, parking issues and the proximity to current buildings will all be part of a planning application which will also be consulted on. Additionally, the Council has other garage sites in the local area which may have availability should the garages on Brasted Close be demolished. The full response to the consultation with the reply from Council Officers have been made available in the Members room.

7 London Community Land Trust and Lewisham Citizens

- 7.1 The London Community Land Trust is a not for profit social enterprise. Their principles are to actively engage with local people to deliver permanently affordable home ownership. The Trust have been working with Lewisham Citizens on the potential for a site in Lewisham. Lewisham Citizens is a local organisation who will lead on community engagement.
- 7.2 Although detailed plans have yet to be developed, early scoping work has identified that 12-14 homes can be built on the site. All will be for sale to people with a strong local connection with sales values being set at the local median income in perpetuity.

The setting of sales value at the local median income in perpetuity will be secured through a covenant.

- 7.3 The sales values will make the properties available to residents who are currently excluded from the housing market.
- 7.4 The London Community Land Trust have been working on a site to provide 23 affordable homes for sale in Tower Hamlets, the first housing CLT in London. The scheme is near completion and the sales values are to be between £130,000 for a 1 bed property and £235,000 for a 3 bed property. As with the proposal for a Lewisham scheme, these levels are set at the local median income in perpetuity.
- 7.5 Officers have had initial discussions with the London Community Land Trust about a CLT housing scheme in Lewisham and are very enthusiastic at the prospect of a scheme which delivers affordable sale units for local people at levels which open up the housing market to households who are otherwise excluded and also puts the community at the heart of the development.
- 7.6 Should the Mayor agree to the recommendations set out in this report, officers will work closely with the London Community Land Trust to develop their plans for the site and to engage further with local residents in order to bring back a viable scheme to the Mayor and Cabinet to agree the disposal terms.

8. Legal implications

- 8.1 The Council has a wide general power of competence under Section 1 of the Localism Act 2011 to do anything that individuals generally may do. The existence of the general power is not limited by the existence of any other power of the Council which (to any extent) overlaps the general power. The Council can therefore rely on this power to carry out housing development, to act in an “enabling” manner with other housing partners and to provide financial assistance to housing partners for the provision of new affordable housing.
- 8.2 The proposals set out in this report are at an early stage of development. Detailed specific legal implications will be set out in any subsequent report to Mayor & Cabinet if terms for the disposal of the site can be agreed.
- 8.3 Section 105 of the Housing Act 1985 provides that the Council must consult with all secure tenants who are likely to be substantially affected by a matter of Housing Management. Section 105 specifies that a matter of Housing Management would include a new programme of maintenance, improvement or demolition or a matter which affects services or amenities provided to secure tenants and that such consultation must inform secure tenants of the proposals and provide them with an opportunity to make their views known to the Council within a specified period. Section 105 further specifies that before making any decisions on the matter the Council must consider any representations from secure tenants arising from the consultation. Such consultation must therefore be up to date and relate to the development proposals in question.

9. Financial implications

- 9.1 This report seeks the Mayor’s agreement to the development of an affordable housing scheme with Lewisham Citizens and London Community Land Trust. No costs beyond officer time will be incurred in developing the proposal and, as such,

there are no financial implications in agreeing to the recommendations in section 4 of the report.

- 9.2 The site being discussed as a part of this proposal is currently HRA land. The land will need to be appropriated to the General Fund for the scheme to progress. Officers will need to consider the value of the land on appropriation and its impact on the viability of the scheme.

10. Environmental Implications

- 10.1 Any new housing provided will be built to the standards required by planning as a minimum and wherever possible, in design or viability, include higher and more innovative environmental elements.

11. Implications for Law & Disorder

- 11.1 There are no specific crime and disorder implications.

12. Equality Implications

- 12.1 An Equalities Analysis Assessment will be undertaken as part of the further work in order to assess the impacts of the proposals and this will be presented to Mayor and Cabinet for consideration.

- 12.2 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 12.3 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

- 12.4 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

- 12.5 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of

evidential value. The statutory code and the technical guidance can be found at:
<http://www.equalityhumanrights.com/legaland-policy/equality-act/equalityact-codes-of-practice-and-technical-guidance/>

12.6 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

12.7 The essential guide provides an overview of the equality duty requirement including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:
<http://www.equalityhumanrights.com/advice-and-guidance/public-sectorequalityduty/guidance-on-the-equality-duty/>

13. Background papers and author

13.1 There are no background papers to this report.

13.2 For more information on this report please contact James Ringwood, Strategic Housing on 020 8314 7944.