

<b>MAYOR AND CABINET</b>		
<b>Report Title</b>	Demolition of Mayow Road Warehouse & 118 Canonbie Rd to build new Council Homes	
<b>Key Decision</b>	Yes	Item No.
<b>Ward</b>	Perry Vale & Forest Hill	
<b>Contributors</b>	Executive Director of Customer Services, Head of Law, Head of Finance	
<b>Class</b>	Part 1	Date: 13 February 2019

## 1. Summary & Purpose

- 1.1. This report sets out the rationale and strategy for the demolition of Mayow Road Warehouse and 118 Canonbie Rd to provide c.39 new council homes in Lewisham. The report provides outline details of each scheme and the indicative programme to completion.
- 1.2. These two sites represent the first iteration of the Councils new 1000 social homes house building target and are anticipated for completion at the end of 2020.
- 1.3. Demolition and redevelopment of each site will allow for the Council to optimise its assets for the provision of new homes for those in housing need in Lewisham. To achieve these aims this report seeks authority to demolish these structures (dependent on achieving the necessary planning consents).
- 1.4. Mayow Road will deliver c.33 units of new social housing. This will be made up of c.27 new Temporary Accommodation (TA) family sized homes for homeless families, as well as 6 new Supported Living homes for residents with learning disabilities.
- 1.5. 118 Canonbie Road will provide 6 new Temporary Accommodation (TA) family sized homes.
- 1.6. Particular attention should be drawn to the Mayow Road development which is supported by NHS England. NHS England have made grant funding available for the Supported Living element of this scheme as a part of their 'Transforming Care' programme<sup>1</sup>. Securing this grant of c. £900k is dependent on submitting a planning application. Officers are working towards the submission of a planning application in April 2019 so to take advantage of early entry into the NHS grant funding programme for the 2019-2020 financial year.
- 1.7. Whilst officers are confident that access to grant funding will be achieved, it is not guaranteed. Officers are therefore working through alternative funding models. This includes early conversations with the GLA to identify potential funding opportunities through their Supported Housing and Specialist Housing Capital Fund.

<sup>1</sup> <https://www.england.nhs.uk/learning-disabilities/care/>

## **2. Recommendations**

It is recommended that Mayor and Cabinet:

- 2.2 Note the strategy for the redevelopment of Mayow Road Warehouse;
- 2.1. Agree that subject to planning consent for demolition being obtained, Mayow Road Warehouse should be demolished and that the Council should seek to deliver new high quality council homes on the site;
- 2.2. Note that a statutory S105 consultation will be undertaken to consult with secure tenants regarding the demolition process;
- 2.3. Delegate authority to the Executive Director for Customer Services to consider any responses to the S105 consultation and to make any necessary decision in this respect;
- 2.4. Authorise officers to submit a bid to NHS England Transforming Care Programme Capital Fund for the Supported Living element of the Mayow Road scheme;
- 2.5. Authorise officers to submit a bid to the GLA Supported Housing and Specialist Housing Capital Fund for the Supported Living element of the Mayow Road scheme;
- 2.6. Subject to the bids referred to at recommendations 2.4 and 2.5 being successful, delegate authority to the Executive Director for Customer Services in consultation with the Head of Law to negotiate the final terms and conditions of the funding agreements with both NHS England and the GLA, and to enter into the funding agreements;
- 2.7 Note the strategy for the redevelopment of 118 Canonbie Road presented as part of this report;
- 2.8 Agree that subject to planning consent being obtained, the existing property at 118 Canonbie Road should be demolished and that the Council should seek to deliver new high quality council homes on the site;
- 2.9 Delegate authority to the Executive Director for Customer Services to approve the submission of these two schemes (Mayow Road Warehouse & 118 Canonbie Road) for planning approval;
- 2.10 Note that a post planning funding and delivery strategy will be presented to Mayor and Cabinet for approval prior to the commencement of demolition and construction works for the Mayow Road scheme and prior to the commencement of demolition and construction works at 118 Canonbie Road.

## **3. Policy Context**

- 3.1. Shaping the Future, the Council's Sustainable Community Strategy (2008-2020)<sup>2</sup>, includes the following priority outcomes that relate to the provision of new affordable homes:
  - 4.1.1 Ambitious and Achieving – where people are inspired and supported to fulfil their potential.

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<sup>2</sup> <https://www.lewisham.gov.uk/mayorandcouncil/aboutthecouncil/strategies/Pages/default.aspx>

- 4.1.2 Empowered and Responsible – where people can be actively involved in their local area and contribute to supportive communities.
  - 4.1.3 Clean, Green and Liveable – where people live in high quality housing and can care for and enjoy their environment
  - 4.1.4 Dynamic and Prosperous – where people are part of vibrant communities and town centres, well connected to London and beyond
- 3.2. This report is also in line with the council’s policy priority ‘Decent Homes for All – investment in social and affordable housing to achieve the decent homes standard and tackle homelessness.’
- 3.3. Homes for Lewisham, Lewisham’s Housing Strategy (2015-2020)<sup>3</sup>, includes the following priority outcomes that relate to the provision of new affordable homes:
- 3.3.1. Key Objective 1 – Helping residents in times of severe and urgent housing need.
  - 3.3.2. Key Objective 2 – Building the homes our residents need.
  - 3.3.3. Key Objective 4 – Promoting health and wellbeing by improving our resident’s homes.
- 3.4. The Council’s (draft) Corporate Strategy (2018-2022)<sup>4</sup> outlines the Council’s vision to deliver for residents over the next four years. Building on Lewisham’s historic values of fairness, equality and putting our community at the heart of everything we do, the Council will create deliverable policies underpinned by a desire to promote vibrant communities, champion local diversity and promote social, economic and environmental sustainability. Delivering this strategy includes the following priority outcomes that relate to the provision of new affordable homes:
- 3.4.1. Tackling the Housing Crisis – Providing a decent and secure home for everyone
  - 3.4.2. Building and Inclusive Economy – Ensuring every resident can access high-quality job opportunities, with decent pay and security in our thriving and inclusive local economy.
  - 3.4.3. Building Safer Communities – Ensuring every resident feels safe and secure living here as we work together towards a borough free from the fear of crime

#### **4. Background & Rationale**

- 4.1. The London Borough of Lewisham, like all London Councils, faces a distinct housing challenge in terms of demand, supply and affordability. To help combat this the Council announced a bold new programme to deliver 1000 new Council Homes over the next 4 years. This signals a significant step change for the Council from historic affordable housing enabler and advocator, to becoming a direct delivery agent of new homes. This programme will be delivered in collaboration with the Council’s housing delivery and management agent Lewisham Homes.
- 4.2. Achieving this programme to combat the borough’s housing challenge requires innovative solutions across a mix of densities and tenures, delivering well-designed

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<sup>3</sup>

<https://www.lewisham.gov.uk/mayorandcouncil/aboutthecouncil/strategies/Documents/HousingStrategy2015.pdf>

<sup>4</sup>

<http://councilmeetings.lewisham.gov.uk/documents/s61022/Draft%20Corporate%20Strategy%202018-2022.pdf>

and aspirational local affordable housing. In particular the projects at Mayow Road Warehouse and 118 Canonbie Road will address the shortage in the supply of suitable, well designed Temporary Accommodation (TA) and Supported Living (SL) Units in Lewisham (location plans Appendix 1).

- 4.3. These two developments will meet key Council priorities by:
  - 4.3.1. Easing the financial pressures placed on the Councils Housing Needs Service by reducing those occupying expensive B&B/ nightly paid accommodation. This will be done by providing new high quality Temporary Accommodation.
  - 4.3.2. It is anticipated that these two new developments could save the Council in excess of £150k per year by reducing the use of private B&B/ nightly paid accommodation.
  - 4.3.3. Providing better quality Temporary Accommodation to meet the needs of growing numbers of homeless households in Lewisham;
  - 4.3.4. Providing much-needed supported housing to enable people with Learning Disabilities and/or autism with challenging behaviour to live independently in Lewisham.
  - 4.3.5. Reducing the need for expensive out-of-borough placements for those with Learning Disabilities and/or autism, which could save in the region of £300k per annum when compared with an in-borough service provided.
- 4.4. Overall these two developments would save the Council in the region of £490k per annum. This is made up of the above savings across Temporary Accommodation and out-of-borough placements, as well as business rates savings at Mayow Road Warehouse.
- 4.5. Officers have appointed a design team to undertake pre-planning work and develop the most advantageous and architecturally responsive designs to each sites local context and the boroughs housing requirements.
- 4.6. The design team are working with the Local Planning Authority and consulting local residents and service providers to inform the most appropriate design for each site. This includes working with Lewisham Homes to consult with them on key decision making within the pre-planning design process, and to promote effective decision making in respect to the management and maintenance of the proposed new developments.
- 4.7. It is hoped that planning applications for both sites will be submitted in April 2019 following local consultation. The demolition of both sites will be subject to achieving the necessary planning consents.
- 4.8. It should be noted that it is a requirement to submit a proposal for planning approval so to secure NHS grant funding for Mayow Road Warehouse's redevelopment. The grant allocation of c. £900k will help to de-risk the funding requirements for this development. Officers are working towards the submission of a planning application in April 2019 so to take advantage of early entry into the NHS grant funding programme for the 2019-2020 financial year. Whilst officers are confident that access to grant

funding will be achieved, it is not guaranteed. Officers are therefore working through alternative funding models for the development. This includes early conversations with the GLA to identify potential funding opportunities through their Supported Housing and Specialist Housing Capital Fund.

- 4.9. A post planning funding and delivery strategy will be presented to Mayor and Cabinet for approval prior to the commencement of construction works at Mayow Road Warehouse and prior to the commencement of demolition and construction works at 118 Canonbie Road. This strategy will identify the most advantageous funding and delivery strategy in collaboration with Lewisham Homes, the Councils housing delivery and management agent.

## **5. Supported Living Accommodation**

- 5.1. A key priority for the Council is ensuring that there are sufficient new supported living homes in the borough. One group which the council is looking to develop new homes for is people with a Learning Disability and/or autism who display challenging behaviour, including those with a mental health condition.
- 5.2. Well-designed housing can support people to live independently reduce the likelihood of placement breakdown and inappropriate hospital admission. Supported living for people with a Learning Disability and/or autism who display challenging behaviour should have all the design features of good mainstream housing, for example, having lots of natural light and access to outdoor space. Good housing design for this client group should also be:
  - 5.2.1. Spacious (to allow for the individual to have their own space, even when support staff are present)
  - 5.2.2. Able to adapt to people's preferences and moods – i.e. different zones and lighting options
  - 5.2.3. Robust and easy to maintain
  - 5.2.4. Safe
  - 5.2.5. Accessible or easily adapted for future wheelchair use
- 5.3. Inappropriate and poor quality housing arrangements can have an adverse effect on the ability of people with a learning disability to maintain independent lives within their local community. Inappropriate housing can lead to placement breakdown and displacement from local support networks, as well as avoidable admission/readmission to hospital. 'Building the right support' (2015) and the National Service Model sets out the national plan to ensure that services are in place and that people have choice about where they live and who they live with. Lewisham is supporting these aims in partnership with NHS England's 'Transforming Care Programme'<sup>5</sup> by developing a supported housing scheme to enable people to live independently in the community with care and support services on site.

## **6. Project Description: Mayow Road Warehouse, Perry Vale Ward.**

- 6.1. Mayow Road Warehouse is a two-storey warehouse (shell structure with internal mezzanine walkway) with basement level. The property is currently vacant and the site underutilised. It was historically used by the Councils Housing Needs Service providing a storage facility for families occupying TA.

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<sup>5</sup> <https://www.england.nhs.uk/learning-disabilities/care/>

- 6.2. However, the site has been highlighted as inappropriate to ongoing services requirements and offers a good opportunity to optimise the Council's assets for new affordable housing. Mayow Road Warehouse was vacated due to:
  - 6.2.1. A rationalisation of the Council's General Fund assets to identify more Council owned sites for ongoing Council priorities for affordable housing delivery. This strategy will help reduce the numbers in poor quality private nightly paid accommodation, providing cost savings to the Council and improving the quality and quantity of Council owned TA stock.
  - 6.2.2. A review of HOCs service provision from Mayow Road which identified the site as increasingly unsuitable and not fit for purpose. For example, the basement is prone to damp and the Council have received a number of insurance claims against damaged belongings.
  - 6.2.3. Belongings will be moved to a storage facility in Rainham, Essex (it should be noted that this will not cause any change to how the service operates for tenants – see 6.3). This approach of only contracting one storage facility provides an opportunity for budget savings. Historically the Council have required two storage locations to store goods, as the service had stored belongings for people even if they had the ability to make their own arrangements. This caused a budget pressure. The Council is only required to make provision where people are incapable of making their own arrangements. The storage service has therefore been improved so that the Council are not unnecessarily storing belongings where they do not have a duty to do so.
- 6.3. Tenants will be able to access their belongings in exactly the same way as they were before. Tenants are always advised to never place belongings into storage which they may require immediate access to (e.g. Pots and pans, crockery, winter clothing, documents etc). Items of storage are usually large non-essential items which are provided as part of tenant's temporary accommodation (e.g. beds, wardrobes, white goods etc). Tenants' property is returned when families have secured accommodation that enables them to accommodate their goods. Goods are dropped off to tenants at an agreed location/property. Tenants are not required to travel to the storage facility.
- 6.4. It is proposed that a full demolition and residential re-development should be undertaken to deliver a high-quality and aspirational mixed tenure development to meet the borough's growing requirements for adequate Temporary Accommodation & Supported Living provision.
- 6.5. The proposed new development will deliver c.33 new units. This will be made up of:
  - 6.5.1. C.27, 2 and 3 bed family sized units for Temporary Accommodation.
  - 6.5.2. 6 x 1 bed supported living units (larger than planning policy requirements to meet user group needs)
- 6.6. The design team have taken specialist advice from best practice guidance to inform key principles and promote a well thought out approach to the development of this mixed tenure development. This includes holding consultation events with service providers and design workshops with the Adults With Learning Disabilities (AWLD) social work team and multidisciplinary staff from the AWLD Community Health Team.

Officers have also reviewed Supported Housing Guidance<sup>6</sup> and lessons learnt from other successful projects in the UK.

6.7. A public consultation event was held on the 15<sup>th</sup> December 2018 at Forest Hill School. This provided local residents with an opportunity to comment on current proposals for the site. The results of this consultation are as follows:

6.7.1. The event was successful in engaging local residents and community groups in consultation regarding the proposed development. There were 12 attendees. 9 attendees were local residents from homes which are immediately adjacent or in close proximity to the site. 1 attendee was from a local interest group, and 2 attendees were Lewisham Members.

6.7.2. Attendees were receptive to the Council's plans for 100% new social housing and supported living accommodation on the site. A number of strengths and challenges were identified which have been summarised below. The project team will work through these issues and assess how they can be mitigated as part of on-going design and development process:

<b>Strength</b>	<b>Challenge</b>
<b>Affordable Housing:</b> Supportive of the development and its aspiration to deliver new local affordable housing	<b>Building Height:</b> Some concerns about the height of the proposed new build, especially with regards to Heathwood Point flats
<b>Amenity Space:</b> Supportive of the buildings approach to considering improvements to public amenity space and local place shaping (e.g. traffic calming measures, pavement improvements, lighting etc.)	<b>Integration:</b> Perceived challenges regarding how new residents will be integrated into existing community
<b>Parking:</b> Supportive of plans not to build an additional car park, but identified issues with local parking provision & traffic	<b>Construction Disruption:</b> Some concerns regarding the disruption caused by demolition and building construction
<b>Supported Housing:</b> Supportive of building specialist housing for local residents in need	
<b>Synergies with Brent Knoll School:</b> Supportive of considering design and delivery synergies with the development of Brent Knoll School adjacent to the site	

6.8. Another consultation event will be held in early 2019.

6.9. As well as the local consultation events identified above, a statutory S105 consultation is planned for February/March 2019. This will be used to consult with secure tenants regarding the proposed temporary use of open communal space in close proximity to the Mayow Road Warehouse site for demolition related activities i.e. the temporary use of land for welfare/storage/staging area space. It is anticipated that these areas will be required as part of the demolition contractors method statements, but that the use of this space will be dependent on the consideration of S105 consultation responses. This report recommends that authority is delegated to the Executive Director for Customer Services to consider any responses to the S105 consultation in relation to

<sup>6</sup> <https://londonadass.org.uk/wp-content/uploads/2016/12/Design-guide-for-LD-and-challenging-behaviour-Supported-Housing-Guide-2....pdf>

proposed demolition activity and the use of identified open communal space and to make any necessary decision in this respect.

## **7. NHS England Grant Funding: Mayow Road Warehouse**

- 7.2. NHS England have provided support and encouragement for the development of supported living units at the Mayow Road Development. This has been through ongoing discussions with the Transforming Care Programme Housing Leads. It has been indicated that there is the potential to secure c. £900,000 capital available within the 19/20 grant funding round for the Transforming Care Capital Programme, which aims to enable high-quality development for people with a Learning Disability and/or Autism who display behaviour which challenges.
- 7.3. In order to access this funding a final bid needs to be submitted to NHS England following a submission for planning approval. Officers are working towards the submission of a planning application in April 2019 so to take advantage of early entry into the NHS grant funding programme for the 2019-2020 financial year. Securing grant funding would help de-risk the Mayow Road Warehouse development.
- 7.4. Should the Council not be successful in securing this funding then there are alternative grant sources through the Mayor's Care and Support Specialised Housing Fund which could be used to support the scheme's viability.
- 7.5. NHS England funding is only available to cover costs associated with the Supported Housing part of the Mayow Road development, and not the wider scheme costs. The funding can be used towards acquiring land, demolition and construction costs, and fixed furnishings and fittings, but not white goods.
- 7.6. The NHS England standard grant terms and conditions will require that the land over which the grant applies (i.e. the supported living flats), will be used for the purpose of providing supported accommodation. In the future, should the Council wish to change the purpose of the flats and/or dispose of them, then consent would be required from NHS England.
- 7.7. Once grant is approved the Council would then have 18 months to complete the development. In the event of a delay then NHS England would need to grant an extension for the completion of the works. This is not anticipated.
- 7.8. Further funding will be available for subsequent financial years and NHS England have started the process of market dialogue to secure bids for 2019-21. However, other developments across the sub region may mean that that there is less funding available for schemes which do not benefit more than one local authority area

## **8. GLA Grant Funding: Mayow Road Warehouse**

- 8.2. The GLA have provided support and encouragement for the development of supported living units at the Mayow Road Development. Initial discussions with the GLA indicate that they would be interested in discussing how they could financially support the project through their supported and specialist housing grant programme<sup>7</sup>.
- 8.3. This funding provides older and disabled Londoners with well-designed, accessible homes, enabling them to have an appropriate level of care, so they can live

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<sup>7</sup> <https://www.london.gov.uk/what-we-do/housing-and-land/increasing-housing-supply/funding-supported-and-specialist-housing>

independent and dignified lives. The programme enables family-sized homes to be freed up, for families and others in housing need. It also helps reduce social care and health costs.

- 8.4. The GLA are currently accepting bids for new schemes through their continuous bidding process. The Mayor of London has secured additional funding for this programme from the Government and the programme now runs until 31 March 2021 and makes £111m of capital available across London.
- 8.5. The GLA are particularly interested in proposals where, together with the NHS and Primary Care Trust (PCT), there is a mutually beneficial outcome where land can be optimised and where new specialised accommodation can help reduce the burden on stretched health and care budgets.
- 8.6. GLA funding is available to cover costs associated with the Supported Housing part of the Mayow Road development, and not the wider scheme costs. The funding can be used towards capital works.
- 8.7. Bids are expected to include accommodation which offers 'homes for life', providing a long-term solution rather than a temporary stay. This is aimed at individuals who would benefit from a home which is adapted to suit their individual needs, and to provide, for many people, a genuine alternative to them entering residential care. Bids are not restricted in the exact level of care provision that they offer.
- 8.8. Funding is available for schemes that offer affordable rented homes or affordable home ownership. The mix of tenures on a site should be developed to best meet local need. It is expected that the homes funded by the Mayor's Care and Support Specialised Housing Fund will be let using London Affordable Rent agreements, with the term of the tenancy appropriate for the client group and with rents set at levels which are genuinely affordable. Rents set at or below the GLA's London Affordable Rent benchmarks, as set out in the Homes for Londoners Affordable Homes Programme 2016-21 Funding Guidance, will automatically be deemed genuinely affordable. Other rent levels will also be considered - where the provider is able to demonstrate to the GLA's satisfaction that the homes would be genuinely affordable – the rents are set no higher than Local Housing Allowance levels and there is at least a 20 per cent discount to the relevant market rent.
- 8.9. All units of affordable housing schemes benefiting from grant funding must have started on site by 31 March 2021. Priority will be given to schemes which have already achieved, or are well advanced in the process of achieving, planning consent and confirmation of any necessary revenue funding.

## **9. Project Description: 118 Canonbie Road, Forest Hill Ward.**

- 9.2. 118 Canonbie Road is an existing detached two-storey house in a poor state of repair not currently fit for human habitation. A structural survey conducted in December 2015 revealed significant fractures in the external wall structure (especially the front bay window) as well as internally bowing floors, subsidence, foundation movement and full roof and internal electrical replacement required. The Council had acquired the property in early 2015 to disrupt the activity of a rogue landlord operating an illegal HMO in the borough and originally intended to refurbish the property to convert it for additional hostel accommodation.
- 9.3. However, operating within the existing structure results in an inefficient ensemble of shared facilities and en suite single units that does not maximise the sites potential for

meeting local housing need. This, coupled with survey findings showing the significant structural cost to renovate and make safe the property has promoted a new strategy and design for demolition and rebuild.

- 9.4. The site offers good potential to provide new TA within 6 self-contained family sized units with a mix of 2 and 3 bed homes.

## 10. Indicative Programmes

- 10.2. The below represents an indicative programme for Mayow Road Warehouse:

Activity	Date
Design Period	November 2018 – March 2019
Consultation 1	15 <sup>th</sup> December 2018
Consultation 2	Early 2019
S105 Consultation for Demolition (28 days)	February/March 2019
Planning Submission	April 2019
Formal Planning Consultation (21 Days)	April/May 2019
Submission to NHS Grant Programme	April/May 2019
Planning Approval	June/July 2019
Technical Design	July/August 2019
Demolition & Construction Works Start	Late Summer/Early Autumn 2019
Practical Completion	Late 2020

- 10.3. The below represents an indicative programme for 118 Canonbie Road:

Activity	Date
Design Period	November 2018 – March 2019
Planning Submission	April 2019
Formal Planning Consultation (21 Days)	April/May 2019
Planning Approval	June/July 2019
Technical Design	July/August 2019
Demolition & Construction Works Start	Late Summer/Early Autumn 2019
Practical Completion	Late 2020

## 11. Financial Implications

- 11.2. Mayor and Cabinet should note that a pre-planning budget of £490k has been allocated to these projects to undertake detailed in-depth studies and pre-planning work (up to RIBA stage 3). This budget has been funded from S106 affordable housing contributions and can be used to meet the costs of the demolition of Mayow Road Warehouse. A separate existing capital programme budget for the acquisition and demolition of 118 Canonbie Road can be used to meet the demolition costs of that building. The projects do not require additional General Fund funding for pre-planning costs and demolition costs.
- 11.3. A post-planning cost strategy will be identified for these projects as part of ongoing approaches to developing a programme wide financial model for the Council's commitment to deliver 1000 new Council homes. This will be presented to Mayow and Cabinet in early 2019.

- 11.4. The most advantageous funding model for the works to develop both Mayow Road Warehouse and 118 Canonbie Road will be presented to Mayor and Cabinet for approval following further design and cost consultancy work.
- 11.5. It should be noted that whilst attainment of NHS grant funding (detailed in section 7) is preferable for the Mayow Road Warehouse development, officers are exploring a range of financial options. This includes application to further financial year's NHS grant funding programmes, as well as the potential to include/substitute funding with the GLA's Supported and Specialist Housing Fund. However, submission of a planning application in April 2019 would help to secure NHS grant funding and de-risk funding requirements.

## **12. Legal Implications**

- 12.2. 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.
- 12.3. 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.
- 12.4. The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 12.5. 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.
- 12.6. It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed at 9.3 above.
- 12.7. The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the

impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

- 12.8. 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:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

### **13. Crime and Disorder Implications**

- 13.2. There are no Crime and Disorder Implications arising from this report.

### **14. Equalities Implications**

- 14.2. This report supports the delivery of the Council’s house building programme and Housing Strategy 2015-2020<sup>8</sup> by ensuring that those in housing need in Lewisham have a safe, secure and high quality residence from which to live, prosper and grow. Due regard will be given to making sure that these two developments meet the necessary requirements for access, quality and amenity space required as part of the GLAs housing design guide standards. For example, where possible, new housing will attempt to deliver the requisite number of wheelchair accessible units, including meeting SE London Housing Partnership 'Wheelchair Homes Design Guidelines'.
- 14.3. Every effort will be made to promote local social value and equalities through the development process, including the contracting of works packages and contractors, and in the generation of local jobs, employment, and apprenticeships.
- 14.4. The Council are also undertaking local consultation activity to understand key issues for local residents in regards to these two developments and provide a forum for communication with the Council.

### **15. Environmental Implications**

- 15.2. Every effort will be made to enhance the local environments, amenity space and public realm of the developments proposed where appropriate. This will include undertaking

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<https://www.lewisham.gov.uk/mayorandcouncil/aboutthecouncil/strategies/Documents/HousingStrategy2015.pdf>

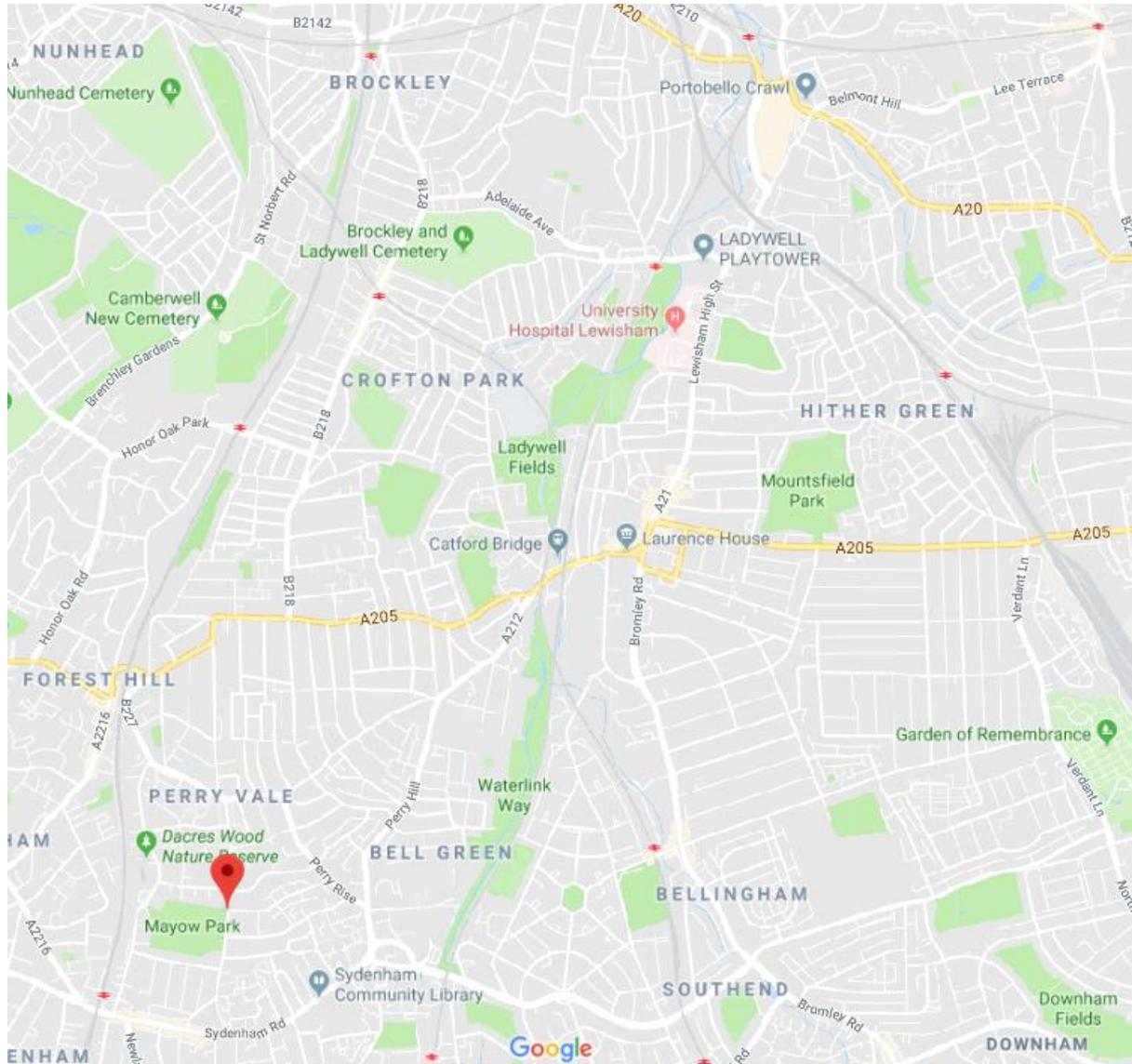
environmentally sensitive and locally respective demolition and construction works, as well as meeting Council energy and sustainability targets.

## **16. Conclusion**

- 16.2. This report presents proposals for the redevelopment of Mayow Road Warehouse and 118 Canonbie Road to deliver new council homes. This will be made up of c.33 new Temporary Accommodation units and 6 Supported Living units across the two sites, helping to meet council priorities for high-quality affordable units to meet local housing need. This report seeks approval for the demolition of these two properties. In particular, submission of a planning application in April 2019 would help to secure NHS grant funding and de-risk funding requirements for the Mayow Road Warehouse project.

## Appendix 1: Site Location Plans & Photos

### *Mayow Road Warehouse*





63 Mayow Road,  
London, SE23 2



118 Canonbie Road

