

MAYOR AND CABINET		
Report Title	ACQUISITION OF LAND AT POOL COURT, FORDMILL ROAD, CATFORD SE6 3JL	
Key Decision	Yes	Item No.
Ward	BELLINGHAM	
Contributors	Executive Director for Housing, Regeneration and Environment Executive Director for Corporate Services	
Class	Part 1	Date: 15 January 2020

1. Summary

- 1.1 At a meeting of Mayor and Cabinet on 15th March 2018, the Mayor and Cabinet resolved that land at Pool Court, Fordmill Road, Catford be approved as the preferred location for a residential traveller site within the borough.
- 1.2 The western part of land at Pool Court shown edged red on the plan at Appendix 1 is owned by the Council while the eastern part shown edged pink on the plan at Appendix 1 is owned by Network Rail Infrastructure Limited.
- 1.3 As part of Mayor and Cabinet's decision, it was recommended that officers be instructed to seek the acquisition of the eastern land parcel from Network Rail Infrastructure Limited.
- 1.4 This report details the outcome to date of officers' discussions with Network Rail and recommends that Mayor and Cabinet approves officers' estimated sale price for the land. It also seeks approval for officers to procure an architect to help develop the proposed Travellers' site at Pool Court.
- 1.5 A Part 2 report contains commercially sensitive details.

2. Purpose

- 2.1 The purpose of this report is to seek approval from Mayor and Cabinet to proceed with the acquisition of the eastern part of land at Pool Court at the agreed price between both parties.
- 2.2 This report also seeks Mayor and Cabinet approval for officers to procure an architect in order to finalise the design and achieve full planning permission for a six pitch permanent travellers' site at Pool Court by December 2020.

3. Recommendations

It is recommended that Mayor and Cabinet:

- 3.1.1 Authorise officers to seek to acquire the eastern part of land at Pool Court, Fordmill Road, Catford shown edged pink on the plan at Appendix 1 on the basis set out in this report and the Part 2 report.
- 3.1.2 Delegate authority to the Executive Director Housing, Regeneration and Environment in consultation with the Director of Law, to finalise the terms of the legal documentation for the acquisition of the eastern part of land at Pool Court, Fordmill Road, Catford from Network Rail Infrastructure Limited.
- 3.1.3 Authorise officers to procure an architect in order to develop the design and achieve full planning permission for a six pitch permanent travellers' site at Pool Court by December 2020.

4. Policy Context

- 4.1 The contents of this report are consistent with the Council's policy framework and it supports the achievement of outcomes contained in Lewisham's Corporate Strategy 2018-2022. On completion of the acquisition, the land will form part of the Council's Gypsy and Travellers Site(s) Local Plan (GTSLP) thereby delivering part of the Council's corporate objectives including creating an open Lewisham, tackling the housing crisis, giving children and young people the best start in life, building an inclusive economy and building safer communities.

5. Background

- 5.1 The Housing and Planning Act (2016) includes a duty (under Section 8 of the 1985 Housing Act) for local authorities to consider the needs of "people residing in or resorting to their district with respect to the provision of sites on which caravans can be stationed".
- 5.2 Following the closure in 2009 of a former site in Thurston Road, Lewisham does not have any sites for the gypsy and traveller community. The Council did grant planning permission in 2008 for five pitches on a site in Church Grove, Ladywell. However, this permission was not acted upon and this site is due to be developed for 'bricks and mortar' community led self-build housing. The Council adopted its Core Strategy in June 2011. Policy 2 identifies criteria for selecting sites and envisaged that a site(s) would be identified through a Sites Allocation DPD. However, it did not prove possible to include a site(s) in the Council's Site Allocations Local Plan (SALP). At the Examination in to the SALP, the Council confirmed its intention to bring forward a separate Gypsy and Travellers Site(s) Local Plan (GTSLP).
- 5.3 The Council commissioned a Gypsy and Traveller Accommodation Assessment (GTAA), which was published in June 2015. This established the

need for 6 pitches in the borough up to 2031. In August 2015, the Government published revised national guidance in the form of a new Planning Policy for Traveller Sites (PPTS). In order to ensure that the Council has a robust assessment of current and future need that takes account of the new definition, an update to the GTAA was commissioned. The Update (August 2016) identifies the continuing need for 6 pitches in the borough up to 2031.

- 5.4 At its meeting on 13 January 2016, Mayor and Cabinet approved consultation arrangements on the preparation of a Gypsy and Traveller Site(s) Local Plan (GTSLP) (including cope, search parameters, site selection criteria and timetable for identifying a site or sites). It also approved consultation on the associated Sustainability Appraisal Scoping Report. Following consultation carried out by the Planning Service, at its meeting on 13th July 2016, Mayor and Cabinet approved the final Search Parameters and Site Selection Criteria.
- 5.5 Based on draft Search Parameters, which were subsequently approved), officers in Strategic Housing and Asset Management identified a list of all Council assets (land and buildings) of 0.24ha in size and above from Council ownership data by reviewing the Council's asset registers. This generated a list of approx. 780 sites. Officers then applied Site Selection Criterion 1 (Effective and efficient use of public assets) and this resulted in 5 potential Council-owned sites being identified. A private landowner also put its site forward for consideration during Stage 1 and this was included on the following long-list of 6 sites:
- A - Land on Westbourne Drive SE23;
 - B - Land off Turnham Road, SE4;
 - C - New Cross Social Club & adjoining land, Hornshay Street, SE15;
 - D - Land at R/O 46-116 Baizdon Road SE3;
 - E - Land at Pool Court, SE6; and
 - F - Land at St Mildred's Road, Hither Green, SE12.
- 5.6 Planning officers applied Site Selection Criteria 2 to 10 to the long-list of sites. In doing so, officers drew on the results of engagement with officers across the Council and the Clinical Commissioning Group and the Metropolitan Police, together with the findings of a highway and access feasibility study and flood risk studies and the Integrated Impact Assessment (combing Sustainability Appraisal and Equalities Analysis Assessment). This resulted in two potential sites being identified: New Cross Social Club & adjoining land and Land at Pool Court.
- 5.7 At its meeting on 7 September 2016, Mayor and Cabinet approved a GTSLP Potential Site(s) Report and Integrated Impact Assessment (IIA) for statutory public consultation. The Potential Site(s) Report identified two alternative potential residential traveller sites. These were: New Cross Social Club and adjoining land, Hornshay Street, SE15 and Land at Pool Court, SE6. Public consultation was carried out on these sites and the IIA during a six-week period in October and 30 November 2016.

- 5.8 Officers carefully considered comments on the two potential sites and investigated issues raised. At its meeting on 17 November 2017, Mayor and Cabinet resolved to (a) note the contents of the Consultation Statement, including the main issues raised and officer response to them and the findings of the Integrated Impact Assessment; (b) note that officers consider that Pool Court is currently the preferred site; (c) instruct officers to further investigate the matters in relation to the potential Pool Court site and report back to Mayor and Cabinet:
- 5.9 At its meeting on 15 March 2018, the Mayor and Cabinet resolved that land at Pool Court, Fordmill Road, Catford be approved as the preferred location for a residential traveller site within the borough.
- 5.10 Land at Pool Court is divided into two parts. The western part (circa 0.15Hc) is owned by the council and can be accessed directly from Pool Court while eastern part is owned by Network Rail Infrastructure Limited (circa 0.16Hc) can be accessed from either Fordmill Road or Pool Court.
- 5.11 A masterplan and capacity study was commissioned by the council and published by 'BDP architects' in February 2018. This demonstrated the feasibility of providing a six pitch permanent travellers' site on land at Pool Court, and provides the basis for an architect to develop this into a more detailed design which can be submitted for planning approval.
- 5.12 Presently, the eastern part owned by Network Rail is leased to a scaffolding company. It is anticipated that the land will be sold subject to this lease and, should the Council be successful in acquiring the land, it will therefore need to deal with obtaining vacant possession at the appropriate time.
- 5.13 Officers have been in discussions with Network Rail since the Mayor and Cabinet decision in March 2018. In the past, we have been informed that the land will be sold by Network Rail as part of a commercial estate but we are made to understand this is no longer the case.
- 5.14 Officers have been informed that the land will be marketed on the Open Market in January 2020 and the Council will be able to participate in the process.

6 Land Valuation

- 6.1 In order to determine the market value of the land, officers commissioned a Red Book valuation from a firm of Chartered Surveyors. Detail of the valuation report is covered in Part 2 of this report.
- 6.2 The valuation ensures officers are aware of the site value and are in a position to put in a bid when it is marketed for sale.

7. Procurement of architect

- 7.1 As noted in 5.10 above, the Council commissioned a capacity study as part of the site search process in 2018 and determined that the land at Pool Court can be developed to meet the current Traveller housing need. This was a high level feasibility which will need further work from an architect and other development services providers to develop it into firm proposals to secure planning permission.
- 7.2 Subject to recommendation 3.1.3, officers will seek to engage the services of an architect and related development services to further develop the design, and obtain planning permission for the scheme.

8. Financial Implications

- 8.1 The financial implications in relation to the recommendations of this report are contained in the part 2 report.

9. Legal Implications

- 9.1 The Council currently has no dedicated Gypsy and Traveller site following the closure of the Thurston Road site to make way for the Lewisham Gateway redevelopment scheme. The Council has been working to identify and deliver a site to meet the identified need for a travellers site in the borough.
- 9.2 As well as its duty as the local planning authority, the Council as a local housing authority also has a duty under the Housing Act 1996 to assess the need for Gypsy and Traveller accommodation in its area when it assesses housing requirements. Part 6 of the Act contains several provisions designed to mainstream the provision of accommodation for Gypsies and Travellers alongside that of the settled community. The measures relating to Gypsies and Travellers include the requirement for local authorities to undertake regular assessments of the accommodation needs of Gypsies and Travellers - as they do for the rest of the community - under the Local Housing Needs Assessment process.
- 9.3 In accordance with Section 120 of the Local Government Act 1972, the Council may acquire any land for the purposes of any of their functions or for the benefit, improvement or development of their area. This may be done notwithstanding that the land may not immediately be needed for that purpose.
- 9.4 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. 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.

9.5 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.

9.6 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.

9.7 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>

10. Crime and Disorder Implications

10.1 There are no direct implications relating to crime and disorder issues.

11. Equalities Implications

11.1 There are no equalities implications arising from this report at this stage.

12. Environmental Implications

12.1 There are no direct environmental impacts arising from this report.

13. Conclusion

Mayor and Cabinet are recommended to proceed with the proposal as set out in this report.

If you have any queries on this report, please contact Ben Olaleye, Senior Planning & Development Surveyor, 5th floor Laurence House, 1 Catford Road, Catford SE6 4RU - telephone 0208 3147024.

Appendix 1

Land at Pool Court, Fordmill Road, Catford SE6 3JL

