



Mayor and Cabinet

Compulsory Purchase Order application for 2 - 30A Reginald Road

Date: 8 December 2021

Key decision: Yes

Class: Part 1

Ward(s) affected: New Cross

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

1. Outline and recommendations

Resolves to make a Compulsory Purchase Order (CPO) in accordance with Section 17 of Part II of the Housing Act 1985 and the Acquisition of Land Act 1981, for the compulsory acquisition of all interests in the land and buildings known as 2 – 30A Reginald Road, the site of which is shown by the red line on the plan attached as Appendix 1, other than those interests already in the ownership of the Council;

Grants delegated authority to the Executive Director for Housing, Regeneration and Public Realm in consultation with the Director of Law, Corporate Governance and Elections:

(i). to carry out any further or additional land referencing as may be considered appropriate, including service of requisitions for information pursuant to Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 or Section 330 of the Town and Country Planning Act 1990;

(ii). to take all necessary and appropriate steps to secure the making, confirmation and implementation of the Compulsory Purchase Order (CPO) including the publication and service of all notices and promotion of the Council's case at any Public Inquiry, including but not limited to the steps described below;

(iii). to make any amendments, deletions, or additions to the draft Order Map and/or draft Schedules to the CPO so as to include and describe all interests in land required to facilitate the carrying out of the Scheme;

(iv). to make such changes as may be considered necessary or appropriate to the draft Statement of Reasons prior to publication;

(v). to acquire interests in the Order Land either by agreement or compulsorily (including pursuant to any blight or purchase notices);

(vi). to negotiate, agree terms and enter into agreements with interested parties, including agreements for the withdrawal of blight or purchase notices and/or objections to the CPO and/or undertakings not to enforce the CPO on specified terms, including where appropriate seeking the exclusion of land from the CPO;

(vii). in the event that the Secretary of State notifies the Council that it has been given the power, to confirm the CPO if the Executive Director for Housing, Regeneration and Public Realm is satisfied that it is appropriate to do so;

(viii). in the event the CPO is confirmed by the Secretary of State (or by the Council if given power to do so), to complete all necessary statutory procedures and to take steps to implement the CPO, including by way of General Vesting Declaration and/or Notice to Treat/Notice of Entry;

(ix). to take all steps in relation to any legal proceedings relating to the CPO, including defending or settling claims referred to the Upper Tribunal (Lands Chamber) and/or applications made to the courts and any appeals;

(x). to retain and/or appoint external professional advisers and consultants to assist in facilitating the promotion, confirmation and implementation of the CPO, the settlement of compensation and any other claims or disputes;

(xi). to take all such other steps as may be considered necessary or appropriate to acquire all land interests required for the Scheme (whether by agreement or CPO).

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1. Timeline of engagement and decision-making

- Mayor And Cabinet, 15 July 2009 – The future of Deptford Town Centre Regeneration Programme and update on financial arrangements and commercial approach
- Mayor And Cabinet, 11 April 2012 – Deptford Town Centre Regeneration Programme – Delivery of the Southern site housing component of the regeneration programme
- Mayor and Cabinet, 11 July 2012 – Deptford Town Centre Regeneration programme
- Mayor and Cabinet, 1 May 2013 – Deptford Town Centre Regeneration Programme Southern Housing Sites update
- Mayor and Cabinet, 11 September 2013 – Deptford Southern Housing Sites S105 consultation outcome
- Mayor and Cabinet, 25 March 2015 - Deptford Southern Housing Sites Regeneration Project update and Decant
- Mayor and Cabinet, 15 July 2015 - Deptford Southern Housing Sites Regeneration Programme Appropriation of land report
- Mayor and Cabinet, 28 June 2017- Deptford Southern Housing Sites update and changes to affordable housing numbers and grant funding
- Mayor and Cabinet, 15 March 2018 - Deptford Southern Housing Sites update on Tidemill - increase in affordable housing levels and revised budget
- Mayor and Cabinet, 27 June 2018 - Deptford Southern Housing -Tidemill update
- Mayor and Cabinet, 14 September 2021 - Reginald Road Land Assembly

1. Summary

- 1.1. The Order Land (as set out in Appendix 1) comprises the land and building comprising 2 – 30A Reginald Road. The building is a low density brick built, cladded block from the 1960s, of 16 residential properties (15 x 2 bed maisonettes and 1 x 4 bed maisonette). The Order Land also includes hard standing, an electrical sub-station and communal garden.
- 1.2. The Order Land forms part of what is known as the Deptford Southern Housing regeneration scheme. The Deptford Southern Housing regeneration scheme is across two separate sites, the Tidemill site and the Amersham Vale site. The two sites are linked since the homes available on both sites are prioritised for allocation to the original tenants and resident leaseholders of the Order Land.
- 1.3. The Deptford Southern Housing regeneration scheme is the final part of a multi phased regeneration scheme delivering new housing as well as improved public realm and community facilities. Delivery of the scheme commenced in 2006. The completed phases of the scheme have seen the delivery of the extension to the Wavelengths leisure centre, Frankham Street parking boulevard, the new Tidemill School / Deptford Lounge community and library development and the relocation of

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Deptford Green School.

- 1.4. The remaining phases of the Deptford Southern Housing sites scheme consists of the two development sites mentioned above, namely:
 - Amersham Vale – the former site of the Deptford Green School – now re-provided in new premises.
 - Tidemill – a site between Reginald Road and Frankham Street including the old Tidemill School and play space for the school – also now re-provided in new premises.
- 1.5. Working in partnership with Peabody on both sites and Sherrygreen Homes on the Amersham Vale site, the housing element of the programme will deliver 329 new homes of which 141 will be genuinely affordable homes for social rent at London Affordable Rent (LAR) levels. This is an uplift of 128 social homes. Additionally 56 will be shared ownership homes for residents on lower incomes.
- 1.6. The Amersham Vale site is near completion. Secure tenants and resident leaseholders currently living in 2-30A Reginald Road have priority for the new affordable homes with any remaining social rented homes being let through our choice based letting scheme, Lewisham FindYourHome.
- 1.7. The Tidemill site benefits from the grant of planning permission (permission reference DC/16/095039) (“the Planning Permission”). The Planning Permission granted permission for the demolition of the former caretaker's house on Frankham Street, the demolition of 2-30A Reginald Road, the partial demolition, conversion and extension of the former Tidemill School buildings, and the construction of three new buildings ranging from 2 to 6 storeys, to provide 209 residential units, together with amenity space, landscaping, car and cycle parking. Of the 209 residential units consented by the Planning Permission, 65 are proposed for the Order Land.
- 1.8. The Tidemill site is divided into three phases, with work already underway on Phases 1 and 2. Secure tenants and resident leaseholders currently living in 2-30A Reginald Road will have priority for these new homes with the remaining social rented homes being let through Lewisham FindYourHome. The 16 existing properties at 2-30A Reginald Road and surrounding land (as set out in Appendix 1), i.e. the Order Land, form Phase 3 of the Tidemill site. This will deliver 65 new homes, of which 38 will be for social rent and 27 will be shared ownership.
- 1.9. The Council owns the freehold to 2-30A Reginald Road. Through the Right to Buy, 3 of the 16 properties were sold. The Council is required to obtain the leasehold interest of these properties in order for the land to transfer to Peabody to deliver the 65 new homes on the site.
- 1.10. This report relates to the acquisition of the remaining leasehold interests at 2-30A Reginald Road together with all other interests in the land (other than those already in the ownership of the Council), outlines the offer to leaseholders, the contact and negotiations to date and the need to make a Compulsory Purchase Order to ensure that the much needed new homes can be provided. **There is only one interest in the Order Land which the Council considers it would be necessary to compulsorily acquire, that being a leasehold interest in one of the maisonettes at 2 – 30A Reginald Road.** The Council has agreed the purchase of all other leasehold interests and anticipates that it will be able to secure possession of all other properties without recourse to compulsory acquisition.
- 1.11. Delays in acquiring the remaining interests in order to obtain full vacant possession of the land required for Phase 3 will delay the construction programme and put this final part of the scheme at risk. If the remaining interest is not acquired, the 65 new homes will not be delivered and the overall effect of the scheme which the Council is seeking, will not be achieved.

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- 1.12. A draft Statement of Reasons (draft SoR) for making the proposed Compulsory Purchase Order (CPO) is attached to this report as Appendix 2. Although the Draft SoR is non-statutory, it is an important document and if the CPO is made, it will be served on owners, lessees/tenants and occupiers with the relevant statutory notices of making the CPO. The draft SoR has been prepared in accordance with the Government's 'Guidance on Compulsory Purchase Process' published in October 2015 (CPO Guidance). Should Mayor and Cabinet resolve to proceed with the CPO, the draft SoR will be finalised to reflect matters as at the time the order is made, and this too is covered by the delegation sought for the Executive Director for Housing, Regeneration and Public Realm in consultation with the Director of Law, Corporate Governance and Elections.
- 1.13. This report and the attached draft SoR describe the factors that are relevant to the decision whether or not to make the Compulsory Purchase Order, including:
 - 1.13.1. The proposals for the redevelopment of the Order Land;
 - 1.13.2. The proposed basis for using powers under section 17 of the Housing Act 1985 ("the 1985 Act") to acquire the interests in the Order Land;
 - 1.13.3. The justification for the use of compulsory purchase powers;
 - 1.13.4. The steps taken to negotiate the acquisition of the interests in the Order Land by agreement;
 - 1.13.5. The public sector equality duty; and
 - 1.13.6. The implications for the human rights of third party leaseholders.
- 1.14. This report and the draft SoR addresses the overall question of whether there is a compelling case in the public interest for compulsory acquisition, and concludes that such a compelling case exists, having regard to the following matters (also set out below). In particular, the making of the CPO will facilitate:
 - 1.14.1. The delivery in the near future, as part of phase 3 of the Planning Permission, of 65 new homes, representing an increase of 49 homes in total. The need to provide for a very large number of new homes of the next decade underscores the importance of optimising the opportunity presented by the redevelopment scheme to provide this significant number of new homes.
 - 1.14.2. The re-provision of 13 social rented homes, the addition of 25 social rented homes, and the introduction of 27 shared ownership homes available to residents on lower incomes. The high levels of deprivation in the Borough, the extremely long wait times for affordable rented homes, and the overall shortfall in affordable homes again underscores the importance of the CPO being made to optimise the affordable housing able to be provided on the wider site.
 - 1.14.3. The construction of attractive, modern homes which will meet the latest design standards including environmental and energy efficiency standards. Compared to the low quality architecture of the building presently on the Order Land, the CPO will facilitate the cohesive and comprehensive regeneration of the wider Tidemill site, and will contribute to the overall regeneration of the area.
 - 1.14.4. More accessible homes, with the CPO enabling the delivery of phase 3 which will comprise wheelchair adapted or adaptable homes, and a residential building with communal entrances with stairs and lifts.
- 1.15. Set against the one leasehold interest which the Council expects to need to acquire by this CPO, there is a clear and compelling case in the public interest for the

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making of the CPO. Also of importance is that grant funding in the sum of £5.6m has been secured by Peabody to enable the greater provision of affordable housing on site, but this grant is contingent upon achieving a start on site of Phase 3 by March 2023, meaning that steps need to be taken now to proceed with the proposed CPO.

- 1.16. Mayor and Cabinet should read the whole of the SoR and take it into account alongside this report.

2. Recommendations

- 2.1. It is recommended that Mayor and Cabinet:
- 2.2. **Resolves** to make a Compulsory Purchase Order (CPO) in accordance with Section 17 of Part II of the Housing Act 1985 and the Acquisition of Land Act 1981, for the compulsory acquisition of all interests in the land and buildings known as 2 – 30A Reginald Road, the site of which is shown by the red line on the plan attached as Appendix 1, other than those interests already in the ownership of the Council;
- 2.3. **Grants** delegated authority to the Executive Director for Housing, Regeneration and Public Realm in consultation with the Director of Law, Corporate Governance and Elections:
 - (i). to carry out any further or additional land referencing as may be considered appropriate, including service of requisitions for information pursuant to Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 or Section 330 of the Town and Country Planning Act 1990;
 - (ii). to take all necessary and appropriate steps to secure the making, confirmation and implementation of the Compulsory Purchase Order (CPO) including the publication and service of all notices and promotion of the Council's case at any Public Inquiry, including but not limited to the steps described below;
 - (iii). to make any amendments, deletions, or additions to the draft Order Map and/or draft Schedules to the CPO so as to include and describe all interests in land required to facilitate the carrying out of the Scheme;
 - (iv). to make such changes as may be considered necessary or appropriate to the draft SoR prior to publication;
 - (v). to acquire interests in the Order Land either by agreement or compulsorily (including pursuant to any blight or purchase notices);
 - (vi). to negotiate, agree terms and enter into agreements with interested parties, including agreements for the withdrawal of blight or purchase notices and/or objections to the CPO and/or undertakings not to enforce the CPO on specified terms, including where appropriate seeking the exclusion of land from the CPO;
 - (vii). in the event that the Secretary of State notifies the Council that it has been given the power, to confirm the CPO if the Executive Director for Housing, Regeneration and Public Realm is satisfied that it is appropriate to do so;
 - (viii). in the event the CPO is confirmed by the Secretary of State (or by the Council if given power to do so), to complete all necessary statutory procedures and to take steps to implement the CPO, including by way of General Vesting Declaration and/or Notice to Treat/Notice of Entry;
 - (ix). to take all steps in relation to any legal proceedings relating to the CPO, including defending or settling claims referred to the Upper Tribunal (Lands Chamber) and/or applications made to the courts and any appeals;
 - (x). to retain and/or appoint external professional advisers and consultants to assist in facilitating the promotion, confirmation and implementation of the CPO, the

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settlement of compensation and any other claims or disputes;

(xi). to take all such other steps as may be considered necessary or appropriate to acquire all land interests required for the Scheme (whether by agreement or CPO).

3. Policy Context

Housing

The London Plan

- 3.1. The London Plan seeks to ensure that all London Boroughs maximise housing supply, and as a minimum sets out that they must plan to deliver the targets set out in the London Plan. For Lewisham, that target is 16,670 homes over the next 10 years (table 4.1, London Plan).
- 3.2. The London Plan recognises that Boroughs must optimise the potential for housing delivery on all suitable and available sites, and must be proactive in looking to unlock and accelerate housing delivery including “through compulsory purchase and other forms of land assembly” (paragraph 4.1.4).
- 3.3. It is exactly these steps that the Council is seeking to take in this matter. That is, by reason of the CPO, the Council will ensure that it is able to optimise the potential of the Order Land, consistent with the Planning Permission that has already been granted.

The Local Plan Core Strategy

- 3.4. The objectives in the Council’s Core Strategy include providing for regeneration and redevelopment opportunities through the delivery of new homes and jobs (objective 1), providing for a substantial number of new homes during the plan period to meet local housing need, being the completion of an additional 18,165 net new dwellings (objective 2), and making provision of affordable housing and a mix of dwelling sizes and types including family housing (objective 3).
- 3.5. The Core Strategy explains that there is an “overwhelming housing need in Lewisham, which is spread across the borough... and for provision across a mix of housing tenures as well as housing size” (paragraph 7.10), and that there is a “pressing need for more affordable housing..., which justifies [the] target of 50% affordable housing on new developments” (paragraph 7.11).

The Council’s Housing Priorities and Strategies

- 3.6. The Council’s Corporate Strategy (2018-2022) 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:
 - Tackling the Housing Crisis – Providing a decent and secure home for everyone.
 - Building an Inclusive local economy – Ensuring every resident can access high-quality job opportunities, with decent pay and security in our thriving and inclusive local economy.
 - Building Safer Communities – Ensuring every resident feels safe and secure living here as we work together towards a borough free from fear of crime.
- 3.7. Lewisham’s Housing Strategy (2020-2026) includes the aim to deliver as many social rented properties as possible, through building council-owned homes at social

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rent, working with partners to deliver social rent homes in Lewisham, developing underused Council land and assets, being innovative in how the Council delivers homes, including using modern methods of construction, and making places where people want to live, through designing good quality housing and open spaces for residents.

- 3.8. The urgent need for additional housing in Lewisham, including affordable housing, has been a primary consideration in the regeneration plans for the Deptford Southern Housing Scheme. The redevelopment of the Order Lands in accordance with the Planning Permission fully accords with the recognition given to urgently delivering new affordable and market housing in both the development plan and the Council's relevant strategic corporate and housing objectives.

Planning

- 3.9. The Council's Local Development Framework sets the vision, objectives, strategy and policies that will guide development and regeneration in the Borough up to 2025. The Lewisham Core Strategy (Core Strategy), the Lewisham Development Management Local Plan, the Lewisham Site Allocations Local Plan and the Lewisham Town Centre Local Plan, together with the London Plan, form the statutory Development Plan for the Borough.
- 3.10. The adopted Site Allocations Local Plan June 2013 includes Strategic Site Allocation 3, the Giffin Street Redevelopment Area. This includes Phases 1 and 2 of the Tidemill site. Strategic sites are intended to act as a catalyst for regeneration of the wider area. Redevelopment of this site is thus a key regeneration and strategic priority for the Council. Section 9.6 of the Core Strategy specifically sets out that the Council will seek to use compulsory purchase powers in order to achieve the wider regeneration objectives.
- 3.11. Furthermore, Core Strategy objectives relating to climate change (through the provision of highly sustainable new dwellings), open spaces (through the improvement of the quality of, and the safeguarding of access to, public open space), protecting and enhancing Lewisham's character (through the provision of high quality development in place of the low quality building present on the Order Land), and community well-being (by addressing deprivation and inequality through greater access to affordable homes), will all be facilitated by the CPO.
- 3.12. The emerging Local Plan was considered by Mayor and Cabinet on 25 November 2020. This includes 2 – 30a Reginald Road as part of Phase 3 of the Tidemill site within the Giffin Street Redevelopment Area, now known as 'Land north of Reginald Road and south of Frankham Street (former Tidemill School)'.
- 3.13. The emerging Local Plan is consistent with the Planning Permission, and reflects the decision already made by the Council when granting Planning Permission that redevelopment of the Order Land as part of the wider redevelopment of the Tidemill site accords with the development plan, and will be to the benefit of the wider community.

4. Background

- 4.1. In May 2006 officers commenced initial design and feasibility work with respect to the Council's intent and aspirations for regeneration for a number of sites in Deptford. A final report was published in March 2007 jointly by Lewisham Council and PTE architects called "Tidemill School, The Lewisham Lounge and Giffin Street Regeneration Area".
- 4.2. In the summer of 2007 officers subsequently prepared a Business Case to demonstrate the commercial and financial viability of the proposed regeneration programme and to identify the commercial approach to its development. A key

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element of the Business Case was the delivery of a baseline housing scheme of 251 new homes of mixed tenure and split (by habitable room) approximately 65% private and 35% social and affordable. It was agreed this housing element was to be delivered in phases four to six in a six phase scheme, the first three phases of which have now been completed (Wavelengths extension, Frankham Street parking boulevard and Deptford Lounge/Tidemill school development).

- 4.3. The Business Case also referred to the other projects on-going in Deptford town centre, including the delivery of a new station in partnership with Network Rail. The Business Case assumption that the earlier phases of the programme could be funded by the Council on the basis of projected receipts from future housing projects within the programme has underpinned the approach to programme development and to the scope of the Deptford Southern Housing Sites project.
- 4.4. Following consultation with residents and stakeholders, officers agreed to review plans and investigate if the existing housing blocks at Reginald Road and Giffin Street could be brought into the scope of the regeneration programme. This work commenced in summer 2008 but was mainly suspended until summer 2011 due to the recession, changes to funding and prioritising other elements of the wider Deptford regeneration programme.
- 4.5. From summer 2011, officers worked with PTE Architects to revise the 2007 feasibility report and produce a revised design proposal for the Deptford southern housing sites which included the demolition and replacement of the existing Giffin Street and Reginald Road blocks as part of the proposals.
- 4.6. A housing needs assessment was carried out with residents in both the Giffin Street and Reginald Road blocks in June 2012. This showed that there are various re-housing issues including overcrowding and accessible homes requirements.
- 4.7. On 1 May 2013 a report was agreed by Mayor and Cabinet that altered the scheme proposals to a hybrid option of previous schemes, which included the demolition of 2-30A Reginald Road and left the Giffin Street blocks in situ. Agreement to this revised scheme was on the basis that the results of a further Section 105 consultation and an Equalities Analysis Assessment would be reported back to the Mayor and Cabinet prior to commencement of the dialogue stage of the procurement exercise. This was reported to and approved by Mayor and Cabinet on 11 September 2013.
- 4.8. On 12 February 2014 Mayor and Cabinet agreed to the selection of a consortium of Family Mosaic (now Peabody), Sherrygreen Homes and Mulalley as the preferred development partner for the two sites, at the former Tidemill School and on the site of the former Deptford Green School. The key terms of the winning bid included:
 - A capital receipt for both sites combined, to be received in stages as the development progressed, in addition to a contribution to cover the costs the Council will incur in securing vacant possession of the site;
 - The provision of 329 new homes in total of which 117 (36%) were to be affordable housing made up of 77 affordable rent (23%) and 40 shared equity/ownership (13%);
 - This bid was selected because it offered the best deal for the Council including the greatest level of affordable housing. Other bids offered a greater capital receipt but lower levels of affordable homes;
 - In line with Family Mosaic's wider approach and corporate strategy, the affordable rented homes on the development would have rents set at social rent levels, and not at 80% of the market; and
 - The preferred bidder offered a good package of support for existing tenants and

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leaseholders in 2 – 30A Reginald Road who would be able to move into the new development on similar terms, with rents protected for tenants and with a good shared equity offer for leaseholders.

- 4.9. In March 2015, officers presented a report to Mayor and Cabinet making recommendations to prepare for vacant possession of 2-30A Reginald Road, pending a successful planning application. The report set out a number of measures required to assemble the land including serving demolition notices to suspend further Right to Buy applications, taking possession action where required, agreeing to compensate residents and commence the process of buying back the 3 leasehold properties.
- 4.10. In July 2015, Mayor and Cabinet agreed that Council owned land within the scheme should be appropriated for planning purposes in order to enable the powers in Section 237 of the Town and Country Planning Act (T&CPA) 1990 to be used to ensure that any restrictive covenants or other rights affecting the land can be overridden in the interests of the proper planning of the area, thereby allowing the redevelopment of the land to proceed.
- 4.11. On 17 September 2015 a Development Agreement was entered into with Family Mosaic Home Ownership Limited (now Peabody) and Sherrygreen Limited conditional upon:
- Satisfactory planning permission being issued for both sites;
 - The Council having appropriated the sites for planning purposes and the decision being free from challenge; and
 - The necessary disposal consent having been obtained by the Council.
- 4.12. On the 29 September 2016 the Strategic Planning committee considered applications for both sites in the project separately. The application for 120 new homes of which 33% were to be affordable on the Amersham Vale site was approved. The application for the Tidemill site was deferred to allow the applicant to further consider aspects of the proposal; the impacts on daylight/sunlight; to confirm the offer to residents of 2-30a Reginald Road and the rationale for demolition; to clarify the affordable housing offer on the development; and to further consider the open spaces and how they might be available for community use.
- 4.13. On the 28 June 2017 a report was agreed by Mayor and Cabinet which agreed an increase in affordable housing on the Tidemill site from 37% to 47% by altering the tenure of 21 of the allocated private sale units to London Affordable Rent.
- 4.14. On 30 June 2017, Family Mosaic and Peabody Trust merged to become Peabody Group.
- 4.15. The Planning committee considered the Tidemill application again on 27 September 2017 and the application was approved. The approved plans include 74 social rented and 25 shared ownership homes.
- 4.16. The Council continued to work with Peabody and the GLA to maximise the amount of affordable housing on the Tidemill site and negotiated to further increase the amount of new affordable homes to 117 social rented and 41 shared ownership. This was reported to Mayor and Cabinet in March 2018.

The benefits to be secured by the Planning Permission

- 4.17. The Planning Permission for the wider scheme on the Tidemill site provides for the comprehensive regeneration and improvement of the site. In addition to the refurbishment and conversion of the two existing school buildings on the site, and the construction of high quality new residential accommodation, the Planning Permission provides for a significant amount of high quality communal open space.

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- 4.18. The Order Land will have one of the new blocks of residential accommodation approved by the Planning Permission. The new blocks across the wider site will have a range of sizes, in order to both define the new open space and to connect back to the existing street pattern. A setting is created for the historic school building, opening up views from the south. The buildings will share an architectural language, robust brick walls with large windows and balconies, deep window reveals and textured brick feature panels. The new buildings will be distinguished by their: good quality stock brick; large glazed windows, full height to most living spaces; textured brick feature areas, used as a base course and for brick panels; metal cladding to set back top floors; and with landscape and boundaries designed to complement the new and old buildings.
- 4.19. The design approach has ensured that the affordable and market homes have very similar design, quality and space standards so that the redevelopment appears “tenure blind” to outsiders. In addition, the redevelopment will secure the following matters:
- 4.19.1. Energy: centralised CHP system to heat all parts of the site; PVs will be installed to generate additional electricity; the buildings will meet current Building Regulations; the proposed buildings will have a ‘fabric first’ approach, with low U-values, and high levels of airtightness to minimise the demand for space heating; ventilation will be by an MVRH ventilation system, maximising the heat recovery of exhaust air; and water usage will be limited by low-flow fittings and low-flush cisterns.
- 4.19.2. Secure by design: publicly accessible areas are well overlooked by living spaces; routes are clear and direct through the site; boundaries are well defined with railings and hedges; rear gardens are to be private for use only by residents; front entrance doors are all towards pavement frontages or the new park; blocks are designed with around 20 flats per entrance as a maximum; there are clear views through the site; all homes have private defensible space with small front gardens or patio terraces.
- 4.19.3. Accessible and wheelchair adaptable units: dwellings suitable for wheelchair users are provided in accordance with planning requirements, with 17 adaptable units provided at the Tidemill site, and a total of 10% wheelchair dwellings across the Tidemill site and at the Amersham Vale site. In addition, the new buildings will have modern communal entrances and lifts, making them accessible to a wider range of individuals.
- 4.20. The main central space of the scheme will be immediately adjacent to the new housing proposed on the Order Land (Appendix 1). This high quality communal open space will be arranged to capture a good proportion of sunlight and provide an amenity space for residents and visitors alike. This space will be arranged like a more formal London square, and will ensure that north-south access through the wider site is clear and direct, supporting pedestrian movement from Deptford Bridge DLR and Reginald Road through to Giffin Street and Deptford High Street. The park is designed to have excellent natural surveillance from the adjacent residential apartments.
- 4.21. In summary, therefore, the redevelopment of the Tidemill site, including the Order Land, will deliver:
- 4.21.1. Refurbishment and conversion of the two existing school buildings on the site, into 51 residential units and the construction of 158 new residential units.
- 4.21.2. Affordable housing provision, comprising 117 social rented homes and 41 shared ownership homes.

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- 4.21.3. Private amenity space to each flat or maisonette (except for some units within the retained, refurbished school buildings).
 - 4.21.4. Communal open space in the form of a pocket garden, communal gardens, a public realm at the centre of the site and a communal square.
 - 4.21.5. Secure cycle parking spaces for 278 bicycles.
 - 4.21.6. All new homes are to be designed to Lifetime Home standards.
 - 4.21.7. A range of existing and proposed landscaped areas including private gardens and communal amenity spaces will be provided.
 - 4.21.8. 9% of new homes designed to be suitable for residents with disabilities (4 wheelchair adapted housing units and 13 wheelchair adaptable housing units will be provided).
 - 4.21.9. Modern homes meeting the latest design standards including environmental and energy efficiency standards.
 - 4.21.10. Social value through employment and skills opportunities for local residents.
- 4.22. Specifically relating to the Order Land, the proposals will deliver:
- 4.22.1. 65 new homes - an increase of 49 homes in total.
 - 4.22.2. Including the re-provision of 13 social rented homes.
 - 4.22.3. An increase of 25 social rented homes, i.e. in addition to the re-provision of the 13 social rented homes.
 - 4.22.4. The introduction of 27 shared ownership homes available to residents on lower incomes.

Tenure	Current	New
Social rented	13	38
Leasehold	3	0
Shared ownership	0	27
Private sale	0	0
TOTAL	16	65

- 4.22.5. A private communal garden for the exclusive use of the 65 households.
- 4.22.6. Modern homes meeting the latest design standards including environmental and energy efficiency standards.

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4.22.7. Modern communal entrances with stairs and lifts, cycle and refuse storage.
Increase of larger family homes.

4.22.8. Adaptable homes.

4.23. The scheme will therefore not only provide an increase in the amount of homes, including affordable homes, but will also introduce a variety of bed size properties. The Council will have nomination rights to the social rented homes which will be made available to households on the Housing Register.

5. Resident consultation and engagement

- 5.1. There has been several stages of consultation and information given to residents and local stakeholders throughout the life of the scheme so far including public exhibitions, drop in sessions and Section 105 consultation (s105 of the Housing Act 1985) in 2008 and then again in 2012. In May 2013, the Council again carried out formal Section 105 consultation with tenants to seek their views on the current scheme.
- 5.2. Residents were invited to respond to the Section 105 consultation by email, in writing or by attending one of the two drop-in sessions that were held in the Deptford Lounge. As part of the consultation, FAQ's were sent to residents. Results of the consultation were reported to Mayor and Cabinet on 11 September 2013.
- 5.3. In February 2015, Peabody (then Family Mosaic) and Mullalley with the support of the Council held a drop-in session with residents of 2-30A Reginald Road. This was well attended, with 8 households represented (50%), including 6 secure tenants and 2 of the 3 leaseholders. This gave residents the opportunity to meet the developers, view the proposals, and discuss any concerns around the decant offer.
- 5.4. In July and October 2015, the Council and Peabody held public exhibitions showing the evolving plans that had been developed through discussions with residents.
- 5.5. From April 2016 and throughout the planning process, officers from the Council, Peabody and their landscape architects met with a community group to consider the options for the development of the new green spaces to be provided.
- 5.6. In July 2018, officers wrote to the residents of 2-30A Reginald Road to advise that planning consent had been secured and to offer an opportunity to attend a drop in session to answer any queries. The session was held on 15 August 2018 in the Deptford Lounge. Three residents attended.
- 5.7. Since planning was achieved, Officers alongside Peabody have continued to engage with the Frankham Street Landscape Group through a series of workshops with BDP, the landscape architects, to develop the landscape and public realm design for the scheme. The final engagement report was submitted to planning in November 2019.
- 5.8. Ongoing dialogue and detailed housing needs assessments have taken place for the majority of secure tenants and leaseholders at 2-30A Reginald Road. This has included a number of drop-in sessions at the Deptford Lounge, evening and weekend door knocking and individual home visits. Officers will continue to engage with residents to provide support. Further details are set out in sections 12 and 13 of this report.
- 5.9. The developer's approach to consultation and communications during the selection process was very strong and they agreed a full strategy with the Council to engage with residents and stakeholders across both sites throughout the Planning process and delivery stages. The strategy sets out a range of communication tools including regular newsletters, drop in sessions and a website.

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- 5.10. Newsletters are produced and distributed quarterly to provide residents with an update on the construction of the new homes on the Tidemill site.

6. Project Progress

- 6.1. Construction works to the new homes on the Amersham Vale site commenced in June 2018. The site will provide 24 new social rent homes, 15 shared ownership homes and 81 private sale homes. A new park, Charlottenburg Park, has also been delivered as part of the scheme. The majority of the park (80%) was delivered in September 2016, with the remaining 20% to be delivered on completion of the new homes.
- 6.2. The new homes on the Amersham Vale site will be ready for occupation this autumn/winter with residents of 2 – 30A Reginald Road having first refusal of the social rented homes on a protected rent or a shared equity home.
- 6.3. Part of the Tidemill site was being used as meanwhile space whilst the housing plans came forward and actual construction could begin. In August 2018, the Council served notice on the meanwhile occupants as they had refused to return the space when requested. Possession action had to be taken and the Council and Peabody had to defend a Judicial Review claim. This was concluded in October 2018 when the claim was dismissed.
- 6.4. Building work commenced on the Tidemill site phases 1 and 2 in October 2020 and the new homes are expected to be complete in early 2023. Again, original residents of 2 – 30A Reginald Road will have first refusal of these new homes on a protected rent or a shared equity home.
- 6.5. The Tidemill phase 3 site, the Order Land, is the 16 properties at 2 – 30A Reginald Road and surrounding area as outlined in Appendix 1. Developing phase 3 requires the decant of 13 secure tenants and acquisition of 3 leasehold properties which had been sold under the Right to Buy. Details of tenant decant offers and progress with leasehold acquisitions are outlined in Sections 9 to 12 of this report.
- 6.6. Because the proposed redevelopment involves the complete re-planning and redevelopment of the Order Land and the exercise of any rights and interests would adversely affect this, it is necessary for all these rights and interests (if any) to be included in the Order as this is the only way that an unencumbered title to the Order Land can be achieved. For this reason, the Council is resolving to acquire all interests within the Order Land, other than interests already in the ownership of the Council. The Council is not currently aware of any other rights and interests but this protects the Council against any unknown interests which were not discoverable at the time the Order was made but which subsequently come forward.
- 6.7. Phase 3 will deliver 38 new social rented homes and 27 shared ownership homes. This represents an uplift of 25 social rented homes and 27 new shared ownership homes.

7. The land to be included in the Compulsory Purchase Order

- 7.1. The Tidemill site is known as 'Land north of Reginald Road and south of Frankham Street (former Tidemill School)' in the emerging Local Plan. It extends to 1.26 hectares and is situated in the Deptford area in the north of the Borough. The Site is bounded by Frankham Street to the north; Deptford Church Street to the east; Reginald Road to the south and New Butt Lane to the west.
- 7.2. The site is divided into three phases, with phases 1 and 2 not requiring acquisitions and already in development. As above, secure tenants and resident leaseholders of 2-30A Reginald Road will receive a priority for the new homes built on phases 1 and 2.

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- 7.3. Phase 3 of the site, the Order Land, is 0.244hectares. It includes 16 residential properties, hard standing, an electrical sub-station, part of a former public car park and communal garden. The properties are maisonettes. Access to 8 of the maisonettes is at ground level, access to the remaining 8 is via a communal stairwell – there is no lift access preventing nominations to physically impaired residents. The site boundary is outlined in red in Appendix 1.
- 7.4. Agreement for the relocation of the electrical sub-station has been reached and it is not included within the Order. The Council is the freeholder of all of the land within the red line.

8. The justification for use of compulsory purchase powers

- 8.1. The attached Draft SoR (at Appendix 2) set out the justification for the use of compulsory purchase powers. The following matters are addressed in the Draft SoR:

The purpose of the use of compulsory purchase powers

- 8.2. The land is necessary to allow for the final development of the Deptford Southern Housing regeneration scheme. The Order is needed to secure the necessary land assembly and unification of ownerships, within a reasonable timescale, and so facilitate the meeting of the Borough's urgent housing needs. The Council has used and continues to use considerable efforts to acquire the outstanding interests by negotiation. However, the Council has been unable to communicate with one leaseholder, despite considerable efforts by the Council and its agents to contact the leaseholder.
- 8.3. The position therefore is that there is one leasehold interest in the Order Land which the Council expects it to be necessary to compulsorily acquire (together with any unknown interests which reasonable searches have not identified, but which may arise). By compulsorily acquiring this one leasehold interest, the Council will be able to secure the delivery of all the substantial quantitative and qualitative housing benefits described in this Draft SoR, together with enabling the wider regenerations aims for this site and the area to be fully realised.

The justification for use of powers under section 17 of the 1985 Act

- 8.4. With reference to information drawn from the Council's Strategic Housing Market Assessment 2019 ("SHMA"), the Statement of Reasons addresses the factors which the Council considers to be relevant from paragraph 147 of the CPO Guidance. This includes that the 2011 Census found that there are around 36,000 households living in social rented (affordable) housing across the borough, accounting for 31% of all occupied dwellings. Having regard to income levels, the SMHA concluded at paragraph 4.98 that only social rent and affordable rent are affordable to Lewisham's households on lower quartile and median incomes.
- 8.5. As the SHMA set out, this raises serious concerns over the relative affordability of accommodation across most tenures within the Borough, and particularly for the key workers and wage earners considered. These matters all give rise to the risk that the ability of households to enter the general market without very substantial deposits is severely restricted.
- 8.6. As of October 2021, there were 2599 households being provided with temporary accommodation by the Council, including 812 in nightly paid. In total, there were 10,152 households (including nominated homelessness cases) on the Housing Register as of October 2021. In the financial year to 16 November 2021, there have been a total of 291 lets to applicants on the Housing Register. The below table sets out the bed size needs of those on the housing register and the average wait time for a suitable offer to be made for those in Band 1 (the highest need):

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Bed size	Number of applicants	Average waiting time
Studio/1 bed	393	9 months
2 bed	144	5 months
3 bed	34	2 months
4 bed	7	2 months
5 bed	5	18 months
6 bed	1	18 months

- 8.7. The waiting times for those in bands 2 and 3 are significantly longer, with the wait for example for a 2 bed home being 11 months (band 2) and 120 months (band 3), and the wait for a 3 bed home being 23 months (band 2) and 200 months (band 3). Within the borough, the greatest demand is for 2 and 3 bedroom properties, however, the availability of four bedroom properties means that those needing larger family homes are waiting the longest for a suitable offer.
- 8.8. The numbers on the Register have increased month on month this financial year demonstrating the lengthening gap between supply and demand. The net additional affordable homes that will be provided on the Order Land must be seen in this context.
- 8.9. The proposed new dwellings on the Order Land will provide an increase of 25 social rented homes and will introduce 27 new shared ownership homes, and will make a significant contribution to increasing the amount of affordable homes in the Borough. The Shared Ownership homes are another affordable tenure that will be made available to households in Lewisham who are otherwise excluded from homeownership and who may not be eligible to join the Housing Register.
- 8.10. The current properties on the Order Land (2-30A Reginald Road) are maisonettes. Access to eight of the maisonettes is at ground level, access to the remaining eight is via a communal stairwell. There is no lift in the communal area preventing allocation of vacated homes to residents with mobility issues. The ground floor maisonettes would require significant adaptations to make them accessible if required. The new homes are designed to Lifetime Homes Standards, and will have lifts to access front entrance doors. 11 of the new homes will be adapted/adaptable.

Implementation of the compulsory purchase order

- 8.11. As set out in the Draft SoR, the Council is the freehold owner of the Order Land and owns the majority of the interests within it. The properties within the Order Land do not lie within a conservation area and there are no listed buildings included in the Order. There is no special category land or consecrated land included in the Order. The Order Land benefits from Planning Permission and there are no physical or legal impediments to the implementation of the compulsory purchase order.

Resources for the compulsory purchase order

- 8.12. Funding for the construction of the Deptford Southern Housing sites has been secured from a number of sources in order to make sure that the scheme is viable. This includes cross-subsidy from private home sales, and funding obtained via grants and subsidies both from the Council and from the Peabody Trust. The Council is providing £4.3m in funding and Peabody are also subsidising the scheme.
- 8.13. Furthermore, to support the high number of affordable properties being delivered, Peabody have secured £5.6m in grant funding from the GLA under their Affordable Homes programme. As part of the grant agreement, Peabody are required to meet

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certain deadlines, including achieving a start on site of Phase 3 by March 2023.

- 8.14. Given that the funding required to compulsorily acquire the single leasehold interest will be relatively modest compared to the cost of the scheme overall (it is anticipated that it is only the one leasehold interest that will be required to be compulsorily acquired), the Council is satisfied that there will be more than sufficient resources for the CPO.

Compelling case in the public interest

- 8.15. The Draft SoR concludes that there is a compelling case in the public interest for the making of the CPO. In particular, the making of the CPO will facilitate:
- 8.15.1. The delivery in the near future, as part of phase 3 of the Planning Permission, of 65 new homes, representing an increase of 49 homes in total. The need to provide for a very large number of new homes of the next decade underscores the importance of optimising the opportunity presented by the redevelopment scheme to provide this significant number of new homes.
- 8.15.2. The re-provision of 13 social rented homes, the addition of 25 social rented homes, and the introduction of 27 shared ownership homes available to residents on lower incomes. The high levels of deprivation in the Borough, the extremely long wait times for affordable rented homes, and the overall shortfall in affordable homes again underscores the importance of the CPO being made to optimise the affordable housing able to be provided on the wider site.
- 8.15.3. The construction of attractive, modern homes which will meet the latest design standards including environmental and energy efficiency standards. Compared to the low quality architecture of the building presently on the Order Land, the CPO will facilitate the cohesive and comprehensive regeneration of the wider Tidemill site, and will contribute to the overall regeneration of the area.
- 8.15.4. More accessible homes, with the CPO enabling the delivery of phase 3 which will comprise wheelchair adapted or adaptable homes, and a residential building with communal entrances with stairs and lifts.
- 8.16. Set against the one leasehold interest which the Council expects to need to acquire by this CPO, there is a clear and compelling case in the public interest for the making of the CPO.

9. Offer to secure tenants

- 9.1. When the decision was taken in May 2013 to include the 16 properties at 2 – 30A Reginald Road, there were 13 secure tenants and 3 leaseholders.
- 9.2. The offer to secure tenants is that they are given the option to move into a new property on the Amersham Vale site, a new property on the Tidemill site or a property of their choice through ‘Lewisham FindYourHome’ (previously Lewisham Homeseach) – the Council’s choice based lettings scheme. Secure tenants have been guaranteed a ‘like for like’ offer so that they are not required to downsize even if they are now under occupying. Additionally, the rents in the new build property are protected social rents for decanting secure tenants, meaning that they will pay the same rent on a like for like basis as if they were to remain in the Reginald Road property.
- 9.3. All secure tenants receive financial compensation in the form of a Home loss Payment, which is currently £7,100. Additionally, the Council will pay for reasonable disbursement costs such as removals, disconnections/connections, postal

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redirection and contribute towards carpet/curtain replacement. A copy of the offer to secure tenants is appended as Appendix 3.

10. Offer to leaseholders

10.1. Officers have contacted all three leaseholders in 2-30A Reginald Road including writing to them, inviting them to public meetings and offering home visits to discuss their circumstances and options on an individual basis. This includes the provision of independent financial advice for resident leaseholders from Peabody.

10.2. As part of their bid to be selected as the preferred partners for the development, Peabody (then Family Mosaic) put together an offer for leaseholders in 2-30A Reginald Road. The summary of the options are as follows:

Non-Resident Leaseholders

10.3. Non-resident leaseholders will have their properties bought back at market rate plus 7.5% of this as an additional, statutory home loss payment.

10.4. As non-resident leaseholders have a primary residence away from the estate, neither the Council nor Peabody have a legal obligation to offer another property and the other options for resident leaseholders will not be open to non-residents.

Resident leaseholders

10.5. Resident leaseholders have the opportunity to purchase a property on a 'nil rent' shared ownership basis i.e. shared equity. In order to allow resident leaseholders to continue to be part of the local community, the offer is to invest in a new home on either the Amersham Vale or Tidemill sites. With this option residents will be required to purchase a minimum of 25% of the value of the new property.

10.6. Resident leaseholder also have the opportunity to purchase a property on a shared ownership basis. This option is mainly for resident leaseholders who cannot transfer their existing mortgage or take out a new one. With this option, leaseholders will be expected to invest the equity that they hold in their current property to purchase a minimum of 25% of the value of a new property and pay rent to Peabody on the remaining percentage.

10.7. In addition to the above options resident leaseholders are able to receive the full open market value of their property and move away. The leaseholder will then make their own arrangements for new accommodation.

10.8. Resident leaseholders are also able to purchase a new property outright on the new development. This option is for leaseholders who can afford and want to buy a new home in the development outright.

10.9. Resident leaseholders will be entitled to a Disturbance Allowance that will cover their reasonable moving expenses and a Home loss Payment of 10% of the value of their current home. This will apply in all of the options above.

10.10. In very exceptional circumstances, an individual's financial circumstances may be such that it is not sustainable for them to continue as a leaseholder (or they may not be able to buy the required 25% share). In these cases there is an option to become a tenant.

10.11. A full copy of the offer to Reginald Road leaseholders is appended as Appendix 4.

11. Vacant possession progress – secure tenants

11.1. At the outset of the scheme, there were 13 secure tenants residing in 2-30A Reginald Road.

11.2. Since 2015, officers have been working with the 13 households to assist them if

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they wished to move in advance of the Council requiring vacant possession. Secure tenants have been given a high rehousing priority for if they wish to move through Lewisham FindYourHome and have also been entitled to the compensation package referenced in 9.3.

- 11.3. Properties that are vacated by secure tenants or leaseholders are used as temporary accommodation until such time that full vacant possession is required. Subject to entitlement, temporary residents will be made an offer of alternative accommodation.
- 11.4. Six of the original thirteen secure tenants have already moved to homes through Lewisham FindYourHome. Two have chosen the option to be allocated new homes in the Amersham Vale site and are expecting to move this winter. Officers have been visiting remaining secure tenants to discuss their preferences including allocations to the new build homes on the Tidemill Phase 1 and 2 sites as well as through Lewisham FindYourHome.
- 11.5. On 14 September 2021, Mayor and Cabinet agreed that officers could serve legal notices to commence possession proceedings if required and to suspend any Right to Buy applications.

12. Vacant possession progress – leaseholders

- 12.1. At the outset of the scheme, there were three leaseholders at 2-30A Reginald Road, including two recorded as being resident leaseholders.
- 12.2. Strutt and Parker have been appointed to act as the Council's valuer and have visited two leaseholders to date.
- 12.3. In June 2020, officers completed the purchase of one of the leasehold properties. Terms have been agreed with another leaseholder who is progressing with the purchase of a new home on the Amersham Vale site in line with the leaseholder offer and is expected to have moved before the proposed CPO is confirmed. To protect the Council's interest, this property is currently included in the proposed CPO application. It will be removed under the delegated authority if the acquisition is completed as expected.
- 12.4. Following attendance at a public meeting in February 2017 in which leaseholder options were discussed, the remaining leaseholder has failed to make any further contact despite numerous attempts by Council Officers and Strutt and Parker. This has included ten letters, a fixed home visit appointment (no response), four 'cold calls' and invites to drop in sessions.
- 12.5. As with all previous estate regeneration schemes, officers will continue to make every effort to acquire the properties by agreement. However, in view of the requirement for the Council to provide vacant possession of site by early 2023, the Compulsory Purchase Order is required so as to avoid delay and uncertainty and to secure the objectives of the scheme and the funding requirements.

13. Financial implications

- 13.1. There are no new financial implications arising from the recommendations set out in this report. The financial implications of the scheme including the recommendations of this report were set out and considered in a Part 2 report to Mayor and Cabinet on 14 September 2021 that outlined the necessary budget to achieve vacant possession of the Phase 3 site/Order Land including any necessary CPO application and resulting expenditure.

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14. Legal implications

- 14.1. Section 17 of the Housing Act 1985 empowers the Council, as a local housing authority, to acquire land, houses, or other properties for the provision of housing accommodation. This power is available even where the land is acquired for onward sale to a third party, as long as the purchaser intends to develop it for housing purposes.
- 14.2. The 1985 Act also empowers local authorities to acquire land compulsorily (subject to authorisation from the Secretary of State) but only where this is in order to achieve a qualitative or quantitative housing gain. The Council will therefore have to demonstrate such gain when seeking Secretary of State confirmation of any CPO. A total of 65 new homes are expected to be built under Tidemill Phase 3, replacing the existing 16 maisonettes within 2-30A Reginald Road, Deptford.
- 14.3. The reasons why the use of the power under section 17 is justified are set out above. As set out there, those reasons include that a quantitative housing gain will therefore be achieved. The Council is able to demonstrate that the land shown on the plan attached as Appendix 1 is required in order to secure the carrying out of the redevelopment of Tidemill Phase 3.
- 14.4. Once the CPO is made by the authority it must be notified to relevant persons and publicised, following which it will be submitted to the Secretary of State for confirmation. Any person may object to a CPO and if an objection is made and not withdrawn, a public inquiry is required to be held. Any public inquiry will be conducted by an Inspector appointed by the Secretary of State who will hear evidence from any persons objecting to the CPO and from the Council. The Inspector would then submit a report on the Public Inquiry and his/her recommendations to the Secretary of State who would then decide whether or not to confirm the Order.
- 14.5. Before confirming the Order the Secretary of State would have to be satisfied, in particular, that there are no planning obstacles to the implementation of the Scheme, that the Order would achieve a qualitative or quantitative housing gain and that there is a compelling case for the CPO in the public interest.
- 14.6. The process of acquiring and obtaining possession of properties through a CPO may take up to 12-18 months if a Public Inquiry is required before the Secretary of State can confirm the CPO.
- 14.7. The Planning and Compulsory Purchase Act 2004 introduced a new power under which the Council may under certain circumstances, confirm its own Compulsory Purchase Orders. If the Secretary of State is satisfied that the statutory notice requirements have been met, that no objection has been made to the Order (or that any objection made has been withdrawn), and that the Order is capable of confirmation without modifications, then he may notify the Council that it has the power to confirm the Order itself. Should the Council be given this power, then before confirming the Order, it would need to be satisfied that the matters referred to at paragraph 14.4 are satisfied.

15. Equalities implications

- 15.1. The Draft SoR sets out the consideration that has been given to the public sector equality duty under s. 149 of the Equality Act 2010. This includes efforts to understand the equality impacts upon the one remaining leaseholder who has not agreed to sell his interest in the Order Land (including sending this leaseholder a further letter as recently as 23 November 2011 asking for information about any equality and human rights related issues; no response has been received to this letter). In the absence of any opportunity to obtain further information about this

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leaseholder's individual circumstances, the draft SoR reaches the following conclusions:

15.1.1. It is considered that the CPO will have no negative impacts in respect of the elimination of discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Equality Act 2010.

15.1.2. It is considered that the CPO has the potential to assist in advancing equality of opportunity. The provision of replacement and additional, high quality, affordable homes will enable increased access to such homes by persons with protected characteristics. The Borough is very diverse, with a population that is 54% white and 46% BME, with over 70 nationalities on the electoral roll. A key part of the Borough's Housing Strategy is to "ensure that the diversity that makes Lewisham so strong is reflected in our housing with mixed communities and a variety of tenure types" (page 3). The scheme will assist in realising this aim. Moreover, the offer to re-house all existing residents on the Order Land in new affordable homes will improve their living conditions and amount to further advancements in equality of opportunity.

15.1.3. For the same reasons, it is considered that the CPO has the potential to assist in fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The provision of additional and extra affordable housing that is accessible to all will enable the provision of mixed communities which will foster good relations.

15.2. The Council's conclusions in this regard take account of the extensive efforts that have been made to re-house existing leaseholders, tenants and occupants of the Order Land in new affordable and other housing within the Deptford Southern Housing regeneration scheme.

15.3. Having regard to the above matters, the Council considers that the positive benefits of the redevelopment scheme on the Order Land would outweigh any negative effects. As already set out above, the positive benefits are substantial, and will mean the provision of a greater number of higher quality, accessible, sustainable, and affordable homes for residents of the Borough. Given the highly diverse population within the Borough, and the demand for accessible residential accommodation (including for wheelchair users) the Council considers that the redevelopment scheme would advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and those who do not.

15.4. 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.

16. Human Rights Act 1998 Implications

16.1. The Draft SoR also sets out the consideration that has been given to human rights considerations. For the reasons set out there, it is concluded, based on the information that it has been reasonably able to obtain, that any interference caused by the Order under either Article 1 of Protocol 1 or under Article 8 would be proportionate, having regard to the substantial and compelling public benefit which would accrue from the redevelopment of the Order Land.

16.2. In determining the level of permissible interference, the courts have held that any interference must achieve a fair balance between the general interests of the community and the protection of the rights of individuals – there must be reasonable proportionality between the means employed and the aim pursued. The availability

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of statutory compensation to affected persons is relevant in assessing whether a fair balance has been struck. This has also been taken into account by the Council. Case law in a compulsory purchase context has determined that there is no requirement to set out in any formulaic way the extent to which individual human rights are interfered with, and that the necessary human rights balancing exercise is encompassed by the test of a compelling case in the public interest.

- 16.3. Article 6 of the Convention is also of potential relevance, regarding a person's entitlement to a fair and public hearing by an independent and impartial tribunal. As regards Article 6 rights the Scheme has been publicised and consultation has taken place with parties potentially affected by the Order. All those parties whose interests are identified and included in the Order will be notified and have the right to make objections or other representations to the Secretary of State for Levelling Up, Housing and Communities and to be heard at a public inquiry or by means of written representations. The statutory process and right for affected parties to pursue remedies in the High Court where appropriate, are compliant with Article 6.
- 16.4. The Council has carefully considered the balance to be struck between individual rights and the wider public interest and have also had regard to whether there are any alternative means of securing the redevelopment of the Order Land and the associated regeneration of the area. The Council's conclusion is that the interference with the rights of the remaining leaseholders is proportionate when weighed against the significant benefits which will be delivered by the scheme for the Borough and the wider community as set out in this statement.

17. Climate change and environmental implications

- 17.1. Existing planning consents are and will be in line with the high standards expected by Lewisham Council and the GLA. Developments will meet or exceed guidance including seeking to reduce energy consumption, emissions, and climate change.
- 17.2. Every effort will be made to enhance the natural environment. This will include undertaking demolition and construction works in line with environmental protection and public health guidelines and seek to limit the impact on neighbours.

18. Crime and disorder implications

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

19. Health and wellbeing implications

- 19.1. 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.

20. Social Value implications

- 20.1. As part of the development, the Council seeks to deliver wider benefits to local residents and businesses by setting targets on employment and training opportunities for Lewisham residents as well as using Lewisham businesses.
- 20.2. Peabody and Mulalley (the main contractor) produced a Local Labour and Business Strategy in August 2020 setting out their commitments to deliver on the social value aspects of the scheme. This is monitored by officers throughout the build period to maximise the opportunity for Lewisham residents and businesses.

21. Background papers

- 21.1. More information on the previous Mayor and Cabinet reports are available on the

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Council's website at <https://councilmeetings.lewisham.gov.uk/>

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25. Appendices

Appendix 1 – Phase 3/Order Land map

Appendix 2 – Draft Statement of Reasons

Appendix 3 – Offer to secure tenants

Appendix 4 – Offer to leaseholders

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