

Committee	STRATEGIC PLANNING COMMITTEE	
Report Title	Land North of Reginald Road and South of Frankham Street, Deptford SE8	
Ward	New Cross	
Contributors	Suzanne White	
Class	PART 1	27 th September 2017
Reg. Nos.	DC/16/095039	
<u>Application dated</u>	23.12.15 [as revised up to 15.09.17]	
<u>Applicant</u>	CMA Planning on behalf of Family Mosaic and Sherrygreen Homes	
<u>Proposal</u>	Demolition of the former caretaker's house on Frankham Street and 2-30A Reginald Road, partial demolition, conversion and extension of the former Tidemill School buildings and the construction of three new buildings ranging from 2 to 6 storeys at Land North of Reginald Road & South of Frankham Street SE8, to provide 209 residential units (80 x one bedroom, 95 x two bedroom, 26 x three bedroom, 8 x four bedroom) together with amenity space, landscaping, car and cycle parking.	
<u>Applicant's Plan Nos.</u>	<p>Structural Report, Health Impact Assessment, Planning Statement, Transport Assessment, Arboricultural Development, Tree Survey, Flood Risk Assessment, Sustainability Statement, Green shoots - Ecology, Noise impact Assessment, Desk Study & Ground Investigation, Travel Plan, Air Quality Assessment, Archaeological Desk Based Assessment, Bat Emergence Survey, Energy Strategy Overview, Flood Emergency Evacuation Plan, Statement of Community Involvement, Detailed Unexploded Ordnance (UXO) Threat Assessment, CIL form, Design & Access Statement,</p> <p>029_PL_001 Rev A, 029_PL_002 Rev A, 029_PL_003 Rev A, 029_PL_005 Rev A, 029_PL_111 Rev C, 029_PL_112 Rev B, 029_PL_118 Rev A, 029_PL_119 Rev A, 029_PL_120, 029_PL_200 Rev A, Rev A, 029_PL_211 Rev A, 029_PL_213 Rev A, 029_PL_214 Rev A, 029_PL_215 Rev A, 029_PL_216 Rev A, 029_PL_217 Rev A, 029_PL_300 Rev A, 029_PL_306 Rev A, 029_PL_402 Rev A, 029_PL_403 Rev A, 029_PL_404 Rev A, 029_PL_405 Rev A, 140439 01, 140439 02 Rev B, 140439 03 Rev B, 140439 04 Rev</p>	

B, 140439 05 Rev B, 140439 06, 140439 07, 140439 08, 140439 09, 140439 10, 140439 11, 140439 12, 140439 13, 140439 14, 140447 Sheet 1, 140447 Sheet 2, 140447 Sheet 3, 140447 Sheet 4 (received 4th January 2016);

9993-M-0-XX-0001_REV P1 (received 18th April 2016); 029_PL_304 Rev B, 029_PL_305 Rev B, 029_PL_400 Rev B, 029_PL_401 Rev B (received 2nd June 2016);

Overshadowing study (received 20th June 2016); Supplementary Information- Wheelchair Homes (received 21st June 2016); Overheating Report (received 24th June 2016); Market Day Parking Letter Statement (received 30th June 2016);

029_PL_105 Rev B, 029_PL_110 Rev D, 029_PL_113 Rev D, 029_PL_121 Rev B, 029_PL_310 Rev A, 029_PL_302 Rev D, 029_PL_303 Rev B; 91LP001 rev B (received 12th July 2016)

029_PL_115 Rev B, 029_PL_116 Rev B, 029_PL_117 Rev B, 029_PL_212 Rev D (received 2nd August 2016); 029_PL_101 Rev D, 029_PL_102 Rev E, 029_PL_103 Rev E, 029_PL_104 Rev C, 029_PL_106 Rev C, 029_PL_309 Rev B (received 4th August 2016);

029_PL_308 Rev A (received 5th August 2016); Daylight, Sunlight and Overshadowing Assessment August 2016 (received 15th August 2016);

Air Quality Neutral Statement (received 16th August 2016);

029_PL_114 Rev C, 029_PL_004 Rev C (received 16th September 2016);

029_PL_301_Rev D (received 17th October 2016);

Addendum Daylight/Sunlight letter report (Delva Patman Redler, 4th January 2017); Illustrative alternative landscape options (BDP, January 2017); Further consultation statement (received 10th January 2017);

Accommodation schedule (received 25th May 2017);

P2206487(90)LP001 Rev E; P2206487(94)LP001 Rev E (received 3rd June 2017);

	029_PL_125; 029_PL_126 (received 23 rd June 2017); Construction Phasing Plan (received 14 th September 2017); and 029_PL100 Rev H (received 15 th September)
<u>Background Papers</u>	(1) Case File DE/182/B/TP (2) Local Development Framework Documents (3) The London Plan (2016), and Mayors' SPG/SPDs (4) Minutes of meetings with local community representatives

1.0 Introduction

- 1.1 This report relates to proposals for the redevelopment of the Former Tidemill School site, located south of Frankham Street and north of Reginald Road, together with the site of an existing terrace row of 16 maisonettes, 2-30A Reginald Road, in Deptford.
- 1.2 A report on the planning application was presented to Members on the 29th September 2016 (attached at Appendix C) with an officer recommendation for approval. This report should be read in conjunction with the previous report.
- 1.3 Members resolved to defer a determination on the application pending further consideration or clarification on four matters, as follows:
1. *for clarification of impacts on neighbouring properties, particularly Frankham House and Princess Louise Building, in respect of daylight and boundary treatments;*
 2. *for re-consideration of the way the proposed open spaces and communal areas would be run, managed and shared in order to compensate for the loss of the former school garden, particularly with regard to their use by children;*
 3. *for justification of the demolition of Reginald House and details on the terms of re-location of residents of Reginald House; and*
 4. *for the net contribution to affordable housing to be clarified.*
- 1.4 During the intervening period, meetings have taken place with members of the local community and the applicant has submitted further information in respect of these matters. Officers are aware of the following meetings which took place since the 29th September 2016 committee meeting:
- 7th November: representatives of the local community and the applicant team
 - 16th November: representatives of the local community and housing and planning officers

- 27th February 2017: representatives of the local community, housing and planning officers and applicant team
- 22nd March 2017: site visit attended by planning and tree officers and local community representatives
- 17th July 2017: representatives of the local community, housing and planning officers and applicant team

Further information has been submitted by the applicant in response to the reasons for deferral and the concerns raised by the community during the meetings identified above. The additional information was published on the Council's website and community representatives were notified.

- 1.5 Taking each deferral reason in turn, this Report provides a description of the material submitted and, as appropriate, either clarification on the matter at issue or an assessment of the acceptability of the changes made in the context of the scheme overall and relevant policy guidance.

2.0 Impacts on neighbouring properties

- 2.1 The first reason for deferral was:

“for clarification of impacts on neighbouring properties, particularly Frankham House and Princess Louise Building, in respect of daylight and boundary treatments”

Information submitted

- 2.2 The applicant has submitted the following drawings which are relevant to this issue:
- 029_PL_301_Rev D Block B elevations
 - 029_PL100 Rev L Ground Floor Site Plan
 - 90LP001 rev E Hard Landscape Plan
 - 94LP001 rev E Soft Landscape Plan
 - Landscape Masterplan
- 2.3 These drawings show the addition of two new trees adjacent to the proposed new Block B and clearer annotation to show windows in Block B up to third floor level facing the Princess Louise Building as obscure glazed. Windows on upper levels are set back and above the level of facing windows on the Princess Louise Building and would not therefore afford any overlooking.
- 2.4 The applicant has also submitted the following information in relation to daylight impacts on The Princess Louise Building and Frankham House:
- Addendum letter statement by Delva Patman Redler (Daylight/Sunlight consultants)
 - Daylight summary note by CMA Planning
 - Drawings 029_PL_122, 029_PL_123, 029_PL_124 (for illustrative purposes only)

Boundary treatments

- 2.5 Clarification was sought at the previous committee meeting as to the nature of the proposed boundary treatment between Frankham House and the communal garden at Block C.
- 2.6 The boundary here is proposed to consist of a 900mm high brick wall with a 900mm railing on top (total height of 1.8m). Additionally, ornamental planting would be provided on both sides of the wall/railing to help integrate it with the surrounding open spaces. A gate is indicated roughly half way along the length of the wall/railing to enable access for all residents, including those of Frankham House. Together with the access gate, the railings would enable views through, providing a good relationship between the existing and new spaces.

Tree removal and replacement

- 2.7 With regard to the removal of T41, Officers attended a meeting on the 16th November with representatives from the local community, including the Princess Louise Building. Residents expressed concern at the meeting that retention of the tree (as previously proposed) would impact their daylight and that the tree may die as a result of the new development in any case. Officers suggested removal of the tree and replacement with new planting adjacent to the proposed Block B and residents asked that this be investigated further.
- 2.8 Advice was then sought from the Council's Tree Officer. His opinion was that the tree in its present situation, irrespective of the new development coming forward, has 10-20years life expectancy. This is due to the existing major deadwood in the crown of the tree.
- 2.9 The proposed development will probably reduce this lifespan somewhat, as a result of less sunlight reaching the tree and foundations potentially severing some roots. In these situations, where the tree is not of high quality, he advised that it would be appropriate to remove the tree and replant with a species more suited to the site and which would have greater longevity. As such, given the present condition of the tree, the impact it has on daylight to the first floor properties of the Princess Louise Building and in the context of the proposed scheme, there are good planning reasons for the tree to be removed and replaced.
- 2.10 However, on further reflection, the residents of the Princess Louise Building requested that the tree be retained, principally to screen views of the site during construction. The applicant agreed to this request and the tree is shown as retained, within a landscaped border. The additional planting shown on the revised soft landscape plan consists of two semi-mature Sweet Gum to be located adjacent to Block B.

Privacy

- 2.11 With regard to privacy, the windows on the west elevation of Block B from ground to second floor are proposed to be obscure glazed, serving either stairwells or habitable rooms with dual aspect. Windows above this level are

set back so that no impact on privacy to residents of the Princess Louise Building would occur.

Daylight and Sunlight

- 2.12 The addendum letter statement by Delva Patman Redler (DPR) expands on the previously submitted Daylight/Sunlight Assessment Report (August 2016) to provide clarification on the impacts of the proposals on the Princess Louise Building and Frankham House.
- 2.13 On the day of the previous committee meeting a representation was received from Right of Light Consulting on behalf of residents of Frankham House raising concern with regard to the VSC results in the existing condition. The letter did not refer to the NSL or ADF results or acknowledge the BRE guidance where it suggests calculating the impact with the balconies removed. Officers contacted the consultant in October to ask if they intended to provide a fuller review of the DPR August 2016 report or their own study of daylight impacts. To date no further representations have been received. Officers remain satisfied that the original report and method of calculation is accurate.

Princess Louise Building

- 2.14 In respect of the Princess Louise Building, the DPR letter updates the findings of the August 2016 report to take account of the proposed removal of Tree 41. It concludes that the removal of the tree would result in increased light to the first floor flats of the Princess Louise Building, taking into account also the introduction of the proposed blocks. The results of the updated report were discussed with residents during meetings held since the deferral and, notwithstanding the results of the daylight study, residents have requested that the tree is retained and this is reflected in the current plans.
- 2.15 The August 2016 Daylight Sunlight Report assesses the impact of the proposals with the tree and without the tree. It notes that the tree causes reduced light to two windows on the first floor when in leaf. With the tree modelled as removed and the proposed blocks in place, the impact on these windows is within the acceptable tolerances set out in the BRE Guidance. As such, the impact of the tree is an existing situation and the proposed development would not result in a significant impact on occupiers of the Princess Louise Building in terms of reduced daylight. The proposals are therefore acceptable in this regard.

Frankham House

- 2.16 Frankham House has balconies that obstruct the ability of the room below to see visible sky. The units most affected are located at ground, first and second floors on the west elevation.
- 2.17 The BRE suggests in these cases that the calculation for VSC is undertaken with the balconies removed. This is helpful in showing whether it is the balcony or proposed development that is the main factor in the relative loss of light.

- 2.18 As set out at paragraph 7.156 of the original committee report, when this assessment is undertaken with the balconies removed, the impacts on Frankham House are reduced to negligible levels for visible sky (VSC).
- 2.19 When the calculation for VSC is run with the balconies in place, out of 92 windows, 62 would be within BRE target values (<20% reduction), 11 would have a minor adverse loss (20-30% reduction), 10 would be moderate adverse (30-40% reduction) and 9 would be substantial loss (>40% reduction).
- 2.20 At this point, it is worth noting the limitations of the VSC method. It is an initial test which looks to give an early indication of the potential for light. However, it does not indicate the quality of actual light within a space. This is because it does not take into account the window size, the room size or room use. It helps by indicating that if there is an appreciable amount of sky visible from a given point there will be a reasonable potential for daylighting.
- 2.21 The other method used to measure daylight to existing surrounding residential properties is No Sky Line (NSL). NSL assists in helping to understand the way daylight is distributed within a room in existing and proposed scenarios. It takes into account the number and size of windows to a room but does not give any quantitative or qualitative assessment of the light in the rooms, only where sky can or cannot be seen.
- 2.22 When the NSL calculation is run with the balconies in place, 12 out of 14 rooms on the ground and first floors of Frankham House fully comply with the BRE target values for the No Sky Line (NSL) method of assessment. The two remaining rooms are kitchens of less than 5.5m². Due to their size, they are not considered habitable rooms where people would spend much time, therefore the proposed scheme would be considered acceptable in respect of daylight impacts, even with the balconies included.
- 2.23 When the calculation is run with the balconies removed, as suggested by the BRE guidance, all 14 rooms comply with the BRE target values for the No Sky Line method of assessment.
- 2.24 The final method of assessment supported by the BRE is Average Daylight Factor (ADF). ADF considers interior daylighting to a room and therefore is a more accurate indication of available light in a given room, however it is often not used to assess the impact on neighbouring dwellings as certainty on room uses and layouts is required. In this case, the applicant has layout plans for Frankham House and so an ADF calculation was included in the August 2016 report.
- 2.25 The ADF assessment shows that, with the balconies included, out of 88 windows, 75 would be within BRE target values (<20% reduction), 6 would have a minor adverse loss (20-30% reduction), 3 would be moderate adverse (30-40% reduction) and 4 would be substantial loss (>40% reduction).
- 2.26 When the calculation is run with the balconies removed, all 88 rooms meet the BRE target values i.e. less than 20% reduction.

- 2.27 In respect of Flat 18 on the second floor, the Addendum report states that the living room (served by two windows) is fully compliant with the VSC, NSL and ADF methods of assessment. The kitchen served by one window would be fully compliant with the NSL and ADF methods of assessment.
- 2.28 Overall and on balance, it is not considered that the proposed scheme would not give rise to an unacceptable impact on the amenity of neighbouring properties in terms of loss of daylight.

3.0 Former School Garden

- 3.1 The second reason for deferral was:

“for re-consideration of the way the proposed open spaces and communal areas would be run, managed and shared in order to compensate for the loss of the former school garden, particularly with regard to their use by children”

- 3.2 As noted above, four meetings have been held with representatives of the local community since the application was deferred at committee. The first meeting, between representatives of the local community and the applicant team was held on the 7th November. Officers were not invited to attend but have seen the minutes circulated by the local community representatives (Deptford Neighbourhood Action, residents of Frankham House, Reginald House and the Princess Louise Building, Len Duvall, Friends of Old Tidemill Wildlife Garden).
- 3.3 A further meeting was held on the 16th November between local community representatives and housing and planning officers.
- 3.4 Subsequent meetings have been held on the 27th February and 17th July 2017, attended by local community representatives, housing and planning officers and the applicant team.
- 3.5 Each meeting also included discussion on other aspects of the scheme, including daylight impacts, the Council decision-making processes, consultation and the content of offers made to tenants and leaseholders of Reginald House. A note of each meeting was prepared by the community representatives.
- 3.6 In relation to the former school garden, representatives of the local community have sought comprehensive redesign of the scheme in order to enable the garden’s retention. This would result in a new scheme and would therefore go beyond the scope of what can be considered as part of the current application and the deferral reason.
- 3.7 The applicant has submitted two documents in relation to this issue:
- Further consultation statement (10th January 2017)
 - Illustrative alternative landscape options (BDP, January 2017)

- Construction Phasing Plan (July 2017)

- 3.8 The consultation note refers to the meeting of the 7th November and states that the applicant team has sought to work within the scope of the deferral reason by giving further consideration to how the activities of the garden group could be integrated into the final developed scheme.
- 3.9 On this basis, the landscape consultant for the scheme has prepared alternative options for the treatment of the public spaces within the current layout. These proposals show how the spaces could be used for education, community gardening, leisure and wildlife habitat. The document comprises different options for each public space depending on the type of activities preferred.
- 3.10 In the case of the central linear park, 5 options are provided, summarised as follows:
- i) A more informal landscaping approach, with a wildflower meadow to increase the biodiversity potential of the space
 - ii) Three 'character areas': informal wildflower, kitchen garden and orchard areas
 - iii) Biodiversity and wildlife 'reserve' space: central swale surrounded by informal planting
 - iv) Enlarged Option (iii), extending up to Frankham Street, and including a meandering central route
 - v) Enlarged and informal version of Option (ii), incorporating kitchen garden, playground, community space and clusters of orchard trees
- 3.11 For the 'Pocket Garden' to the south of Frankham House, three options are provided:
- i) Walled community park, providing a hard boundary to Church Street and Reginald Road
 - ii) Walled kitchen garden, together with informal play and sitting areas
- 3.12 For the two small communal gardens within Block B and adjacent to the former school Annexe, three options are provided:
- i) Kitchen gardens for residents
 - ii) Informal landscaped gardens
 - iii) Play pockets within gardens
- 3.13 The final area of open space is the courtyard garden between Frankham House and Block C, for which no changes are proposed, as this area is intended to provide the required play provision for the development as a whole, accessible to residents of the scheme and Frankham House.
- 3.14 The final landscape treatment is proposed to be secured by condition. The previous committee report included within the recommendation a planning obligation requiring that the character of the 'Pocket Garden' in the south east corner of the site would be subject to community consultation. Given the new

proposals by the applicant, it is proposed to extend the obligation to include all of the public spaces to be provided.

3.15 At the meeting on the 27th February, the landscape architect presented the above options for the treatment of the open spaces. In response to concern raised by community representatives as to how the involvement of the community in the design of the final landscape treatment would be secured, the applicant wrote to the Council on the 13th March to outline their approach. This is summarised as follows:

- The approval of a Landscape Community Engagement Strategy to be secured as part of the s106 for the purposes of allowing the local community to be involved in the design of the various landscape spaces within the scheme.
- The Group would have input into the design of the landscaped areas in order to achieve a fair and reasonable design which would complement the development as a whole and the communities anticipated uses.
- Details would need to be submitted for approval, but would include establishing a Community Landscape Working Group, which is envisaged to meet once a month at a venue close to the site, such as the Deptford Lounge.
- The membership of the Group could include representatives from Family Mosaic and Sherrygreen Homes (as owners / developers), Mulalley (as contractor), BDP Landscape Architects, local ward councillors, Officers from the Council, representatives from the homes on site and from adjoining properties, Friends of Old Tidemill Wildlife Garden/ AssemblySE8, the Deptford Society and the Crossfields Residents' Association.
- Minutes of the meetings would be made by the applicants, and issued to all attendees and the Council.
- The final approval of the landscape proposals would be undertaken by a planning condition, and as such, controlled by the Lewisham Council. The applicant would make applications to discharge the condition in the normal manner, but would include within the submission a consultation report, setting out details of the engagement undertaken, comments received and how this had fed into and influenced the landscape proposals.

3.16 It is considered that the alternative options presented for the treatment of the public spaces would enable the activities that have been established over the past 2-3 years at the former school garden to be incorporated within the new development, as well as providing accessible, well-landscaped spaces for other local residents and future occupiers. The final design treatment of the public open spaces would be developed through engagement with the local community, secured through the s106 agreement, so that the final scheme best reflects the needs of the local community and residents.

3.17 The reason for deferral makes particular reference to the use of the open spaces by children and this follows discussion during the committee meeting

on the 29th September 2016 with regard to the consideration of the proposals in the context of the UN Convention on the Rights of the Child (1989).

- 3.18 The Convention relates to child-specific needs and rights and requires that any nations that ratify it are “bound to it by international law”. It has 54 articles that cover all aspects of a child’s life and set out the civil, political, economic, social and cultural rights that all children everywhere are entitled to. The Convention must be seen as a whole, i.e. all the rights are linked and no right is more important than another.
- 3.19 Concerns raised during the consultation process identified that the proposals would have a serious impact on the children of Tidemill Academy due to the removal of the former school garden.
- 3.20 In this case, it is noted that the former Tidemill School buildings, playground and garden were closed in 2012 when the school moved to new premises on Giffin Street. This is in line with site allocation SA3 of the Site Allocations Local Plan 2013, which designates the wider site for mixed use commercial/creative floorspace, relocation of Tidemill School, relocation of library, housing and community use (work/office space and community café). The present application, providing the bulk of the housing element of the site allocation, is the final phase of this wider project.
- 3.21 When the school relocated, the garden was established as a meanwhile use while the current proposals were developed. The school garden is not designated as open space, and when it was part of the school it was not open to the public. In its present form there is limited public access.
- 3.22 The alternative landscape options tabled since the deferral show how the public open spaces could be designed to have a more natural character with greater biodiversity, incorporating features such as wildflower meadows, insect hotels, natural swales and informal tree clusters together with community gardening and orchard spaces. These spaces would be open to the public at all times, maximising access for children, both from Tidemill Academy and the wider community. Tidemill Academy, as a local stakeholder, could be a member of the Community Landscape Working Group. As such, it is considered that the proposals would provide a high quality living and learning environment in line with the UN Convention.
- 3.23 Additionally, the applicant has reviewed the proposed construction phasing and in particular the location of the site compound. As a result, they have identified that the compound could be located in the centre of the site, on part of the future linear park. By doing so the open space on the corner of Reginald Road and Deptford Church Street would be available from the first day of the project to the community group to transfer the community garden onto. Also, part of the linear route would be available on completion of Phase 1.
- 3.24 Overall, it is considered that the design of the proposed public open spaces and communal areas would enable the activities established at the former school garden to continue at the site into the future, whilst also providing high quality new public realm for future occupiers and the wider community.

4.0 Reginald House

4.1 The third reason for deferral was:

“for justification of the demolition of Reginald House and details on the terms of re-location of residents of Reginald House”

Demolition

- 4.2 Reginald House is not a listed building, is not located in a conservation area nor subject to any other protection. Demolition of the building does not require planning permission, though in this case does form part of the application proposals. If proposed outside of the current application, the applicant could follow the Prior Notification of Demolition process, for which the only consideration for the planning authority is the method of demolition.
- 4.3 In considering the proposed demolition of the building under the current application, as Reginald House is not protected, there is no planning justification for its demolition to be resisted.
- 4.4 Notwithstanding this, it is recognised that the building is the home of a number of residents and its demolition is a sensitive issue. Although not directly relevant to the determination of the planning application, the applicant and the Council's Housing Service have provided information setting out the background to the decision to include the building within the current proposals.
- 4.5 An Informative Note prepared by the Council's Housing Service is attached as Appendix A to this Report. In addition, the applicant has submitted a note titled 'Reginald House Demolition'.
- 4.6 The submitted information identifies that Reginald House was first considered for inclusion within the wider masterplan in 2008 following a Housing Service led s105 consultation. After a delay, due to the recession, the project recommenced in 2011. In 2012, a feasibility study was produced based on the inclusion of Reginald House and two Giffin Street blocks. Following Mayor and Cabinet approval in April 2012, s105 consultation was undertaken in June 2012. The appended note states that feedback was generally positive, with a small minority objecting to the scheme.
- 4.7 In May 2013, Mayor and Cabinet approved the decision to launch a selection process for a development partner to bring forward the wider masterplan, as well as the linked site at Amersham Vale. It is stated that the demolition of Reginald House was preferred compared with other options because:
- It had a smaller vacant possession requirement than the enhanced scheme, which is likely to be less complicated to achieve (than the enlarged regeneration scheme including the Giffin Street blocks, which was also considered)
 - It meets the urban design aspirations for the town centre
 - It retained the old Tidemill school buildings

- It provided a development site that is easier to develop due to its regular size (via the inclusion of Reginald Road)
- It was projected to provide the best financial return to fund the delivery of major community facilities, including the Deptford Lounge and the new Tidemill School which have since been built.

Terms of relocation

- 4.8 The Information Note prepared by the Council's Housing Service responds to this matter, as does a further document submitted by the applicant, titled 'Tidemill School Site - Information to Reginald Road Residents'.
- 4.9 Both notes provide an overview of the consultation that has taken place with tenants and leaseholders of Reginald House. They identify four consultation events for Reginald Road residents held during 2015-2016 and state that individual decant visits were made by officers during this period and are ongoing.
- 4.10 The appended note by Housing provides details of the offer by Family Mosaic, Sherrygreen Homes and Mulalley which led to their selection by Mayor and Cabinet in February 2014 following an OJEU compliant competitive dialogue process. Key factors in their selection were:
- a. 35% affordable housing across both sites (including Amersham Vale), priority re-housing in the new build for existing residents
 - b. Rented homes to be let at target rent levels
 - c. Protected rent for residents of 2 – 30A Reginald Road to ensure rents are comparable to current levels
 - d. All existing tenants of 2 – 30A Reginald Road can move directly into new homes on either site
 - e. All existing resident leaseholders can use their existing home to buy into the new development
 - f. Investing £1m upfront and building the new park at Amersham Grove ahead of Planning approval
 - g. Provision of a significant capital receipt that meets the Council's investment requirements
- 4.11 The applicant's note states that the offer was sent to tenants and leaseholders in 2015 and again in November 2016. The summary of the offer made to residents of Reginald House is as follows:
- Tenants will be offered a home in the new development of a size to meet their current needs.
 - The rent that they are currently paying for their current tenancy will be maintained when they move.
 - Resident leaseholders will have the opportunity to move to a home in the new development.
 - The equity that they hold in their current property will be protected. The leaseholder has the option of investing the equity in a property in the new development and the value of this equity will rise and fall in line with property price inflation.

- There will be no rent charged on the difference between the equity they hold and the full value of the property.

4.12 The above details are provided as background information. The application that has been submitted must be determined on its planning merits, having regard to the provisions of the development plan, so far as material to the application, and to any other material planning considerations. As such, potential alternative options for development of a site are not relevant to the consideration of a planning application, which has to be considered on its own merits.

5.0 Affordable Housing

5.1 The fourth reason for deferral was:

“for the net contribution to affordable housing to be clarified.”

5.2 The proposed scheme involves the construction of 209 residential units.

5.3 At present there are 16 dwellings on the site, all contained within Reginald House and all 2 bed units. Of these 16 existing units, 3 are leasehold properties and 13 are affordable rent properties. As such, the overall net increase in dwellings would be 193 dwellings.

5.4 In August 2017, the Mayor of London published the Affordable Housing and Viability SPG. The guidance does not change the approach to assessing viability and the provision of affordable housing in this scheme, though it does include an aspiration for new residential development on public sector land to achieve 50-60% affordable housing.

5.5 Since the deferral, the applicant has amended the affordable offer. For ease, set out below is a summary of the position in September 2016 and the current position.

Affordable housing proposal September 2016

Affordable housing as originally proposed	Total homes	Affordable homes		Affordable % (by unit)
		London Affordable Rent	Shared ownership	
	209	26	8	16%

5.6 As noted above, the application as originally submitted proposed 34 affordable homes. On a unit basis this amounted to 16.3% of the scheme, or a net increase of 11% including re-provision of the Reginald House units. When calculated by habitable rooms the gross provision was 19.5%. The proposed tenure mix was 76.5% Social Rent and 23.5% intermediate.

- 5.7 These figures were based on viability (a copy of the viability review report is attached at Appendix D). However, the applicants were selected by the Council as development partner for this site on account of their commitment to delivery of a higher proportion of affordable housing, which is secured separate to the planning process via a Development Agreement with the Council. This agreement requires the provision of 37% affordable units (gross) for this scheme, or 34% net (65 units).

Affordable housing proposal September 2017

Current affordable housing proposed	Total homes	Affordable homes		Affordable % (by unit)
		London Affordable rent	Shared ownership	
	209	74	25	47.4%
Net increase (exc Reginald House)	193	61	25	44.6%

- 5.8 As noted above, the applicant is obliged through the Development Agreement to provide 37% affordable housing as part of this scheme. Previously it was proposed that the uplift from 16% to 37% was to be secured in the s106 agreement subject to grant funding. The applicant has since amended their affordable offer such that 37% could be secured as a minimum.
- 5.9 In addition, following discussions between the GLA, developer and Council, additional funding for affordable housing has been made available by all three parties which has resulted in a further increase of 20 affordable units, bringing the total gross affordable offer to 47% or 48% by habitable room (or 44%/45% net). This has arisen as a result of additional grant from the GLA, the reinvestment of profit by the developers, and a grant from the Council to the developer equivalent to the level of overage it expects to receive through the development agreement as a result of rising prices in Deptford.
- 5.10 In reference to the new SPG, while 48% affordable provision by hab rooms (45% net) falls short of the 50% aspiration, it should be noted that the proportion of affordable rented units in the proposed scheme is higher (74.7%) than the Lewisham target of 70:30 and London Plan target of 60:40 affordable rented to intermediate.
- 5.11 The affordable rented units would be let at London Affordable Rent levels as set out in Table 1 of the Mayor's guidance Homes for Londoners: Affordable Homes Programme 2016-2021, copied below for reference:

Table 1: London Affordable Rent benchmarks for 2017-18

Bedroom size	2017-18 Benchmark (weekly rents, exclusive of service charge)
Bedsit and one bedroom	£144.26
Two bedrooms	£152.73
Three bedrooms	£161.22
Four bedrooms	£169.70
Five bedrooms	£178.18
Six or more bedrooms	£186.66

5.12 These benchmarks reflect the formula rent cap figures for social rents uprated by CPI (consumer price index) for September 2016 plus one per cent. They will be uprated each April by the increase in CPI (for the previous September) plus one per cent and updated benchmarks will be published by the GLA annually.

5.13 The intermediate units would be available initially to households meeting the Lewisham income levels as defined in the Planning Obligations SPD 2015 and subsequently, if not purchased, to those meeting the GLA income bands.

6.0 Planning Obligations

6.1 Taking account of the clarification of affordable housing provision and alternative options for the treatment of the public open spaces within the scheme described above, it is proposed to amend the matters for inclusion in the s.106 agreement as set out at paragraph 9.7 of the committee report dated 29th September 2016.

6.2 The matters proposed for inclusion in the s.106 agreement comprise:

1. Housing

- Provision of a minimum of 99 affordable housing units comprising 74 affordable rent and 25 intermediate dwellings
- Affordable mix as follows:

	Affordable Rent	Intermediate
1-bed/2 person	26	13
2-bed/3 person	2	8
2-bed/4 person	28	4
3-bed/4 person	2	0
3-bed/5 person	9	0

4-bed/5 person	3	0
4-bed/6 person	4	0
Total	74	25

- Affordable rented units to be at London Affordable Rent levels
- Intermediate ownership income thresholds set at £36,795 for 1beds and £42,663 for 2beds for the initial 6 months of marketing. If not secured within this period, the units can then be offered at London Plan income thresholds.
- 7 of the Affordable Rent units to be wheelchair units (designed to Part M4(3)(2)(b)) for which the Council will have nomination rights. Plan(s) showing location of wheelchair units to form part of obligation
- Marketing strategy for wheelchair adaptable units in Private Market and Intermediate tenures
- All affordable housing to be built with no discernible difference in quality of external appearance to private dwellings
- Affordable housing to be provided as per submitted plans and construction phasing strategy
- A financial review mechanism to enable additional affordable housing to be provided.

2. Public Realm

- Provision of public routes through the site with the right to pass and repass
- Landscape Community Engagement Strategy to be submitted for approval to guide the detailed design and function of the public open spaces titled 'Reginald Road pocket park', 'Cross Street park' and 'Frankham St green link' in the BDP Landscape Options document (November 2016). The Strategy shall include details of a Community Landscape Working Group to be established, including its role, membership and schedule of meetings
- Maintenance and management of the public realm in accordance with a management plan agreed with the Council
- Communal and private residential amenity areas to be maintained and managed in accordance with a plan submitted to and approved by the Council

3. Transport:

- Financial contribution of £30,000 towards the cost of consultation and implementation of a Controlled Parking Zone in the vicinity of the site
- Financial contribution of £50,000 towards the cost of improvements to pedestrian and cycle infrastructure in the vicinity of the site
- Car club membership for 3 years for all first occupied residential units (arranged/paid, prior to first occupation of any unit) and exploration of feasibility to provide a car club space on the adjacent highway
- Restriction on parking permit applications (including mechanism to secure implementation and notification of restriction to prospective occupiers)
- Submission, approval and implementation of a parking management plan to maintain parking for resident wheelchair users

4. Employment and Training:

- Local Labour and Business strategy to be submitted, implemented and monitored
- Financial contribution towards employment and training of £110,770 (209 units x £530)

5. Children's Playspace/Communal Amenity Areas:

- Communal and private residential amenity areas to be maintained and managed in accordance with a plan submitted to and approved by the Council
- Access for Frankham House residents to Communal Garden at Block C/D

6. Design Quality

- Retention of same/equal calibre architect to produce all construction drawings or to oversee the detailed design in order to ensure the delivery of scheme quality

7. Costs:

- Meeting the Council's legal, professional and monitoring costs associated with the drafting, finalising and monitoring of the Agreement

6.3 The obligations outlined above are directly related to the development. They are considered to be fairly and reasonably related in scale and kind to the development and to be necessary and appropriate in order to secure policy objectives, to prescribe the nature of the development, to compensate for or

offset likely adverse impacts of the development, to mitigate the proposed development's impact and make the development acceptable in planning terms. Officers are therefore satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations 2010.

7.0 Conclusions and recommendations

- 7.1 This Report considers the information submitted by the applicant in response to the reasons for deferral of the application at the Strategic Planning Committee meeting on the 29th September 2016.
- 7.2 The Addendum to the Daylight/Sunlight Report demonstrates that the impacts of the scheme on daylight to neighbouring properties will be of an acceptable level in reference to the relevant BRE Guidance.
- 7.3 Discussions have taken place with community representatives to seek agreement on the use of the public open spaces within the scheme to enable the activities that have developed at the former school garden site to continue at the site. Although agreement has not been reached, the applicant has submitted alternative options for the treatment of these areas which show how they could be used for education, gardening, play and general recreational uses. The final treatment of these areas can be secured by condition, together with a planning obligation requiring that the community is involved in informing the character of these spaces.
- 7.4 Background information has been provided as to the decision-making process which led to the application scheme coming forward, consultation with residents of Reginald House and details of the offers made to existing occupiers.
- 7.5 A revised affordable housing offer has been proposed, substantially increasing the provision of affordable housing on site as part of the scheme and this can be secured through a planning obligation.
- 7.6 In light of the additional information provided and detailed above, it is considered that the proposals accord with the development plan, that there are no material considerations which outweigh a determination in accordance with that plan and accordingly the application is recommended for approval.

8.0 RECOMMENDATION (A)

To agree the proposals and refer the application, this report and any other required documents to the Mayor for London (Greater London Authority) under Article 5 of the Town and Country Planning (Mayor of London) Order 2008 (Category 1A of the Schedule of the Order).

9.0 RECOMMENDATION (B)

Subject to no direction being received from the Mayor of London, to authorise officers to negotiate and complete a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the matters set out at paragraph 6.2 above, including such other amendments as considered appropriate to ensure the acceptable implementation of the development.

10.0 RECOMMENDATION (C)

Subject to completion of a satisfactory legal agreement, authorise the Head of Planning to GRANT PERMISSION subject to conditions including those set out in Appendix B below and such amendments as considered appropriate to ensure the acceptable implementation of the development.

Committee	STRATEGIC PLANNING COMMITTEE	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 18 OCTOBER 2017

MINUTES

To approve the minutes of the meeting of the Strategic Planning Committee held on the 27th September 2017.

LONDON BOROUGH OF LEWISHAM

MINUTES of the STRATEGIC PLANNING COMMITTEE meeting held in Council Chambers, CATFORD SE6 on Wednesday 27 September 2017 7:30pm.

Present

Councillors De Ryk (Chair), Bonavia, Coughlin, Onikosi, Reid & Clarke

Apologies: Councillors Paschoud (Vice Chair), Amrani, Curran, & Hall

Officers: Emma Talbot – Head of Planning, Paula Young - Legal Services, and Alfie Williams - Planning Committee Co-ordinator.

1. DECLARATION OF INTERESTS

There were no declarations of interests.

2. MINUTES

The Minutes of the Strategic Planning Committee meetings held on the 10 August 2017 were approved.

3. Land North of Reginald Road and South of Frankham Street, Deptford (Tidemill), SE8

The meeting began at 19:30. Chair De Ryk began by introducing the application and explained that a proposal at the site was discussed at a previous Strategic Planning Committee and was deferred.

Emma Talbot presented the amended proposal and explained the difference between the role of the Council as land owner and planning authority in this application confirming that the application would be assessed in accordance with Planning Policy. It was noted that the site is identified in the local plan as a development site and is within the Deptford Town Centre Masterplan. Emma Talbot explained that since deferral a number of meetings with community groups had taken place. It was also explained that Reginald House is not within a Conservation Area so only requires prior-approval for the method of demolition.

Councillor Clarke asked for clarification of the status of the community garden and for how long it had been in use as a community garden. Emma Talbot explained that the current community use of the garden was a meanwhile use in advance of the redevelopment and had been since 2013. Councillor Onikosi asked how it can be ensured that the public get access to the proposed community spaces. Emma Talbot stated that the Section 106 Agreement guarantees that a process for consultation with various community groups will be put in place.

Then followed a presentation by the applicants represented by Angela Woods, Tricia Patel, Tim Gaskell and Martin Savage. It was stated that the deferral had resulted in a delay to the Amersham Vale Development. It was explained that existing residents had been guaranteed first phase accommodation. The applicants then stated that since the deferral the percentage of affordable housing proposed had been increased from 16% to 47% with 74 homes for social rent. It was then explained that all of the residents of Reginald House will be offered rehousing on their current terms. The applicants also explained that a further sunlight and daylight assessment had taken place and provisions put in place to improve the public realm. The proposed scheme would be 77% dual aspect with 21 wheelchair homes.

The applicants then went on to provide information in regard to the landscaping. It was stated that the consultants being used had worked on many award winning schemes. The public spaces had been designed without fences in order to appear welcoming to the public with the aim to green the site given the existing landscaping.

Councillor Clarke raised concerns regarding the location of the pocket park being adjacent to a busy road and worried about air pollution. Chair De Ryk asked if planting could reduce pollution. Martin Savage explained that large trees could not be used given the size of the space but that other methods could be explored. Councillor Bonavia stated that the largest public space on the site would be smaller than the communal garden and asked how creating a larger garden would affect the scheme. Angela Woods explained that the aim of the scheme was to get a large number of units without increasing the height of the buildings.

Councillor Reid asked for clarification over the consultation in regard to the community garden and raised concerns that the special nature of the garden had not been fully recognized by the applicants. It was explained that four meetings had taken place with the community group. Chair De Ryk asked whether community groups will have input in the public spaces. Emma Talbot stated that it is proposed through a legal obligation that they would. Councillor Clarke was concerned that the garden has been established for a long time and it would be difficult to replicate that mature planting and diversity in the proposed scheme. Martin Savage stated that naturalistic approaches are being considered.

Councillor Onikosi stated that the increase in affordable housing is welcome and asked how other members of the community will be informed of the new public spaces. Tim Gaskell replied that a range of different community groups will be approached. Martin Savage explained that going forward the best practice would be to have meetings with the community to see what is achievable and keep up to date through workshops and newsletters.

Andrea Carey Fuller from Deptford Neighbourhood Action, Andy Thornes from Crossfields Estate Residents' Association and Pauline Wamunyu and Wei Teh residents of Reginald House spoke in opposition to the proposal. Len Duvall GLA Assembly Member for Greenwich and Lewisham also spoke against the development.

Andrea Carey Fuller stated that the engagement process had been disappointing and that progress had not been made other than on overshadowing. It was claimed that originally up to 100% of the garden could be retained. Andrea Carey Fuller stated that the garden had been given Mayoral blessing in the 1990s and had been open to and used by thousands of people since then. The meanwhile use related to the school garden not the community garden in its current guise. Andrea Carey Fuller then went on to explain that the proposed public space is inadequate and does not compensate for the loss of biodiversity and wildlife.

Andy Thornes stated that the loss of people's homes is not an aspiration for the community it is just to make things easier for the developer. Mr Thornes went on to explain that there are no empty homes in Reginald House and that all of the leaseholders and the majority of residents are against the development.

Wei Teh stated that the council had not undertaken adequate consultation with residents and had not responded to questions. Residents have never been in favour of displacement or the loss of homes.

Pauline Wamunyu said she had written to the Council in 2016 and had not received a response. Pauline Wamunyu also said that the process had not been properly scrutinised and alternatives such as refurbishment have not been explored.

Len Duvall said that the heart of the matter is getting the best deal for the community. Mr Duvall also stated that the pocket park is an existing space and much of the public space amounts to a glorified path. Len Duvall also stated that the debate does not have to be housing vs public space and that the communal garden cannot be regained once lost.

Councillor Clarke asked the objectors how widely the community garden is used. Andrea Carey Fuller replied that a petition showed that thousands of people use the garden. Councillor Clarke asked whether there was wildlife worth protecting. Andrea Carey Fuller stated that there are species of newts and a rare Native American Tree planted in the garden. Councillor Coughlin asked to what extent the community were against the loss of Reginald House. Pauline Wamunyu replied that all residents are against. Andy Thornes claimed that the figures on affordability were misleading.

Councillor Bonavia asked if any residents are happy to move. Emma Talbot stated that one letter of support had been received by the council. Councillor Bonavia asked for clarification over the status of the three new residents of Reginald House. A housing officer present confirmed that they are being used as temporary accommodation. Councillor Bonavia also asked why Council Officers were not invited to one of the consultation meetings. Andy Thornes replied that the meeting was just to clarify some points. Len Duvall explained that he chaired the meetings and that the meetings were useful to an extent. However, the Council cannot find a site similar to the existing community garden which shows that it is impossible to replace.

21:54 Standing Orders were suspended.

Councillor Onikosi asked whether in order to be fully satisfied an entirely new scheme would have to be proposed. Andrea Carey Fuller replied that they would like to see a collaboratively redesigned scheme. Chair De Ryk explained to the committee that they can only consider the present scheme.

The Chair then called Housing Officers Jeff Endean and Sara Caton up to answer questions. They explained that after the deferral the council wrote to every resident of Reginald House, knocked on doors and held a meeting at Deptford Lounge. No response was received to the consultation. Sara Caton also explained that a formal

offer and options letter was also sent out. Chair De Ryk asked if this had been sent recorded delivery. Sarah Caton stated that it was hand delivered.

Councillor Dacres then spoke under standing orders and made a number of points. She explained that Tidemill School has no green space and still uses the communal garden. The community garden is a natural space that cannot be replicated. The consultation has been inadequate and has not given adequate room for discussion. Councillor Dacres also stated that Amersham Vale should not be held to ransom.

Councillor Dromey also spoken under standing orders. He stated that the process had not been entirely satisfactory. Councillor Dromey claimed that the biggest local issue was the lack of affordable housing. The amount of affordable housing in the scheme is higher than most other proposals in the borough. Councillor Dromey also emphasized that the residents need to be officered homes of equivalent size and value.

Councillor Dacres stated that the pocket park is of poor quality and would need heavy mitigation to negate the poor air quality. Councillor Dacres said that retaining elements of the garden should be considered and the scheme redesigned.

Councillor Dromey stated that he trusted the officer recommendation and prioritized the local need for social housing. Therefore on balance the scheme should be approved.

Councillor Onikosi asked for clarification of the status of Amersham Vale. Emma Talbot replied that there would have to be discussions if the application was refused but that Amersham Vale is not a consideration for this application and Members should not give that issue any weight.

Emma Talbot then addressed some points raised by councillors and during the presentations. It is correct that the developer is not legally obliged to consult with residents but they had done so. There is a desire to work with TFL on Deptford Church Street to improve the public realm and air quality. The Council's Ecology Officer is satisfied with the scheme from a biodiversity perspective. Officers feel this is the best scheme for the site going forward.

Chair De Ryk stated that this is a difficult decision and after deferral everybody has done their best to reach agreement. However, that has not been possible and therefore a decision is needed.

Councillor Bonavia moved to approve the application and stated that it was a difficult decision as the garden is excellent. However, the proposed green spaces can also be good and the need for social housing is considerable. The motion was seconded by Chair De Ryk and it was suggested that a proposed planning obligation to ensure design quality was added in order to retain the current landscape architect.

FOR APPROVAL: Councillors De Ryk (Chair), Bonavia, Onokosi and Reid

AGAINST: Councillors Clarke and Coughlin

Application Approved

The meeting ended at 22:39

