



## Mayor and Cabinet

### **Building for Lewisham - Ladywell s105 and s137 Consultation**

**Date:** 12 January 2022

**Key decision:** Yes

**Class:** Part 1

**Ward(s) affected:** Ladywell/Lewisham Central

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

### **Outline and recommendations**

Consider the responses to the consultation carried out on The Longbridge Road Estate under Section 105 of the Housing Act 1985 and Section 137 of Part V of the Housing Act 1996 between 1 November 2021 and 29 November 2021.

Consider the responses to the consultation carried out with leaseholders and freeholders between 1 November 2021 and 29 November 2021.

Having considered the responses to the consultation, agree to continue with the proposal to build new homes on the site of the former Ladywell Leisure Centre, subject to planning permission being granted.

### **Timeline of engagement and decision-making**

Mayor and Cabinet, 19 June 2013: The Future of Ladywell Leisure Centre

Mayor and Cabinet, 22 October 2014: Re-deployable temporary accommodation.

Mayor and Cabinet 13 March 2019: Approval for budget to start redevelopment plans at PLACE/Ladywell site 13th March 2019

Mayor and Cabinet, 13 January 2021: The Future of PLACE/Ladywell

## 1. Summary

- 1.1. The former Ladywell Leisure Centre site has been identified as a potential site for new, genuinely affordable, Council housing to be built as part of the Building for Lewisham (BfL) programme, subject to planning permission being granted.
- 1.2. Resident engagement is an essential part of the BfL programme and is an ongoing process involving consultation events newsletters, surveys, drop in sessions (where possible), door knocking, and webpages. Lewisham Homes have been engaging with residents on all of the proposed BfL schemes and will continue to do so. Residents will also have the opportunity to comment on any planning applications that may be submitted through the statutory process.
- 1.3. This report focuses on one part of the extensive engagement process, which is the requirement to consult with secure tenants on proposed changes to housing management under Section 105 of the Housing Act 1985 and to consult with introductory tenants under Section 137 of Part V of the Housing Act 1996.
- 1.4. This report sets out the responses to a Section 105 (s105) and Section 137 (s137) consultation which has been carried out in relation to the proposed new development on the site of the former Ladywell Leisure Centre, subject to planning permission being granted.
- 1.5. The s105 consultation was sent to residents who hold a secure tenancy on the Longbridge Way estate. The s137 consultation was sent to residents who hold a introductory tenancy on the Longbridge Road Estate. Officers also consulted leaseholders and freeholders. The consultation with leaseholders and freeholders is non-statutory.
- 1.6. The consultation sought resident's views on the loss of a former drying area adjacent to the side of the 36-46 Longbridge Way and part of the open amenity space and trees to the rear of blocks 12-34 Longbridge Way. The proposed development will require the reconfiguration of the Longbridge Way estate road and pavement to provide vehicular and pedestrian access to the new housing on the former nursery site.
- 1.7. The consultation with secure tenants represented a formal consultation under s105 of the Housing Act 1985 and is appended to this report. The consultation with the introductory tenant is under s137 of the Housing Act 1996 and is appended to this report.
- 1.8. This report provides information on the consultations and recommends that work to build new homes on the areas identified continues.

## 2. Recommendations

It is recommended that Mayor and Cabinet:

- 2.1. Consider the responses to the consultation carried out on The Longbridge Road Estate under Section 105 of the Housing Act 1985 and Section 137 of Part V of the Housing Act 1996 between 1 November 2021 and 29 November 2021.
- 2.2. Consider the responses to the consultation carried out with leaseholders and freeholders between 1 November 2021 and 29 November 2021.
- 2.3. Having considered the responses to the consultation, agree to continue with the proposal to build new homes on the site of the former Ladywell Leisure Centre, subject to planning permission being granted.

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### 3. Policy Context

#### Housing

- 3.1. 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.
- 3.2. Lewisham's Housing Strategy (2020-2026), includes the following themes that relate to the provision of new affordable homes:
1. Delivering the homes that Lewisham needs.
  2. Preventing homelessness and meeting housing need.
  3. Improving the quality, standard and safety of housing.
  4. Supporting our residents to live safe, independent and active lives.
  5. Strengthening communities and embracing diversity.

### 4. Background

- 4.1. The London Borough of Lewisham faces a distinct housing challenge in terms of demand, supply and affordability. To help combat this, the Council announced a new programme to deliver new council homes, known as the Building for Lewisham Programme.
- 4.2. The long-term ambition for the former Ladywell Leisure Centre site has been to build permanent housing. As a temporary measure, the innovative PLACE Ladywell building was constructed at the front of the site. The award-winning PLACE building provides good quality, Council owned temporary accommodation and is designed to be able to be moved to another location.
- 4.3. In March 2019 Mayor and Cabinet approved the budget to start redevelopment plans for the whole of the site of the former Ladywell Leisure Centre.
- 4.4. In January 2021, following an extensive review of the PLACE building and development plans for the site, officers recommended to Mayor and Cabinet that the Ladywell scheme be phased, with phase 1 being on the partially vacant site and phase 2 being on the site of the PLACE building and adjacent land on Lewisham High Street, with the PLACE building remaining in-situ in the meantime. Since that time, officers have worked to obtain vacant possession of the nursery and the removal of a temporary building on the phase 1 site. These have now been achieved.
- 4.5. Lewisham Homes, as the Council's delivery partner, are currently working on plans to comprehensively redevelop phase 1 of the former Ladywell Leisure Centre site to

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provide circa 106 homes and maximise the number of social rented homes for this site. To create a mixed and sustainable community and support the delivery of social rented homes, shared ownership homes will also be provided.

- 4.6. The final unit and tenure mix will be reported to Mayor and Cabinet in due course.
- 4.7. The proposed phase 1 site includes some housing land which is amenity space for residents of Longbridge Way. Officers are also proposing a reconfiguration of the current road/parking area and to introduce parking enforcement.

## **5. Section 105 and Section 137 Consultation**

- 5.1. Section 105 of Part IV of the Housing Act 1985 makes it a requirement for a landlord authority to consult with those of its secure tenants who are likely to be substantially affected by a matter of housing management.
- 5.2. Section 137 of Part V of the Housing Act 1996 makes it a requirement for introductory tenants to be consulted who are likely to be substantially affected by a matter of housing management.
- 5.3. Officers hand delivered Section 105 consultation letters and accompanying map (Appendix 1 and 4) to the 10 secure council tenants on the Longbridge Road estate. Officers also hand delivered a Section 137 consultation letter and accompanying map (Appendix 2 and 4) to the 1 introductory tenant. A further 17 consultation letters with an accompanying map were sent to leaseholders and freeholders (Appendix 3 and 4). In total 28 households have received a consultation letter. The consultation ran for 4 weeks between 1 November 2021 and 29 November 2021. Residents were asked to complete a questionnaire response form and return it by email, post or by calling the Strategic Development Team to arrange for a member of the team to collect the form. Residents were also given the option to respond via an online survey.
- 5.4. The s105 and s137 consultation sought the opinion of secure and introductory council tenants on the permanent loss and temporary loss of amenity, specifically on developing new council housing that will result in the permanent loss of a former drying area adjacent to the side of the 36-46 Longbridge Way and part of the open amenity space and trees to the rear of blocks 12-34 Longbridge Way and the temporary loss of space and restricted parking as part of the development. Finally, the consultation sought views on the introduction of parking enforcement on the completed development.

## **6. Leaseholder and freeholder consultation**

- 6.1. In addition to the statutory requirement to consult with secure tenants under Section 105 of Part IV of the Housing Act 1985 and introductory tenants under Section 137 of Part V of the Housing Act 1996, officers also sought the opinions of leaseholders and freeholders on the estate in order to report on wider feedback. A copy of the leaseholder/freeholder consultation letter is appended as Appendix 3 and the accompanying map as Appendix 4.

## **7. Resident feedback and officer responses**

- 7.1. The s105 consultation letters were sent to a total of 10 secure council tenants.
- 7.2. A letter under s137 consultation was sent to 1 introductory tenant.
- 7.3. The non-statutory consultation letters were sent to 7 leaseholders on the Longbridge Road Estate and 10 freeholders on Longbridge Way.
- 7.4. At the closing of the consultation period a total of 1 response had been received from secure council tenants. This was received by the online smart survey.

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- 7.5. At the closing of the consultation period a total of 1 response was received from a leaseholder. This was received by email.
- 7.6. No other responses were received.
- 7.7. This represents a 10% response rate from the s105 consultation, a 0% response rate from the s137 consultation and a 6% response rate from the leaseholder/freehold consultation. A 7% response rate in total.
- 7.8. Whilst this response rate appears to be low, it should be noted that officers of Lewisham Homes have been consulting with the residents for an extended period of time on the proposed development plans. Recent drop-in sessions to discuss the current plans were held on 23 September 2021 and 21 October 2021 with 13 local residents and 3 local businesses attending.
- 7.9. Residents will also have a further opportunity to comment on the design proposals as they develop and plans when the planning application is submitted.
- 7.10. In regard to the responses received to the consultation of 1 to 29 November 2021, officers have responded directly to both consultees.
- 7.11. Following is a summary of the comments received and the officer responses:

<b>Consultee</b>	<b>Resident comment (summarised)</b>	<b>Officer response (summarised)</b>
Secure Tenant	<p>I am against the proposals for the following reasons: There is limited green open space for my young children to play this proposal will limit that further.</p> <p>Trees are important for clean air.</p> <p>The drying area stopped being used not because it is not needed but because it was/is not secure.</p> <p>The proposed building will permanently reduce the already limited natural light to the property I occupy</p>	<p>Existing estate residents will have access to the new garden area planned on the new development, which will include a children's play area. The new development will retain as many trees as possible on the site and will in fact increase the overall number of trees throughout the whole development.</p> <p>An assessment will be carried on the impact of the proposed buildings on the neighbouring blocks and the planning team will take this into consideration when reviewing the planning proposals.</p>
	<p>Parking is extremely limited as it is which was very apparent during the Lockdown periods. There is not sufficient on street parking to accommodate the displaced vehicles.</p> <p>If there is parking enforcement is it guaranteed that everyone will get/be allocated a space?</p>	<p>It will be a requirement for officers to consider alternative options for parking during the construction period.</p> <p>Currently there is no parking enforcement on the estate and non-residents are able to park unrestricted.</p> <p>Lewisham Homes are assessing the number of residents who would require parking in the newly reconfigured parking area. The introduction of parking</p>

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		enforcement will mean that only residents with a permit will be permitted to park on the estate.
Leaseholder	<p>Great news that Lewisham Council are building 100 new homes. However, the state of the buildings 12-34 and 36-46 Longbridge Way is utterly concerning and appalling.</p> <p>Both buildings of Longbridge Way don't have an entrance door which contributes to major antisocial behaviour from outsiders.</p> <p>As a leaseholder, I strongly disagree with the improvements of the garden area unless such improvements include a new entrance door to our buildings, a safe environment for our children.</p>	<p>As part of the new development, we are looking to improve existing areas for the current residents of the estate to promote a safe environment. Along with the improved parking layout, improved natural surveillance and improved lighting to the rear of the existing garden are proposed and the installation of a new door entry system for the Longbridge Way Estate.</p> <p>Residents will be consulted further with regards to these proposed improvements.</p>

- 7.12. Redacted copies (to remove personal information) are appended as Appendix 5 and officer responses are appended as Appendix 6.
- 7.13. Having considered the responses to the consultations, it is recommended that Mayor and Cabinet agree with the recommendations for officers to continue with the plans to build new homes on the site.

## 8. Financial implications

- 8.1. This report asks Mayor and Cabinet to consider the responses to the consultations undertaken on the Longbridge Road Estate, including consultation with secure tenants, leaseholders, freeholders and an introductory tenant.
- 8.2. It seeks further approval, after having considered the responses to the s105 and s137 consultation, to continue with the proposal to build new homes on the site of the former Ladywell Leisure Centre, subject to planning permission being granted. As such there are no direct financial implications arising from this report.
- 8.3. The financial implications of the proposed development on the Ladywell Leisure Centre site will be reported on individually as and when it is sufficiently developed and brought forward for approval by Mayor and Cabinet.

## 9. Legal implications

- 9.1. Section 105 of the Housing Act 1985 provides that the Council must consult with all secure tenants who are likely to be substantially affected by a matter of Housing Management. Section 105 specifies that a matter of Housing Management would include a new programme of maintenance, improvement or demolition or a matter

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which affects services or amenities provided to secure tenants and that such consultation must inform secure tenants of the proposals and provide them with an opportunity to make their views known to the Council within a specified period. Section 105 further specifies that before making any decisions on the matter the Council must consider any representations from secure tenants arising from the consultation. Such consultation must therefore be up to date and relate to the development proposals in question.

- 9.2. Section 137 of the Housing Act 1996 contains identical provisions to Section 105 in relation to introductory tenants.
- 9.3. The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.4. In summary, the Council must, in the exercise of its functions, have due regard to the need to:
  - eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - advance equality of opportunity between people who share a protected characteristic and those who do not.
  - foster good relations between people who share a protected characteristic and those who do not.
- 9.5. It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed at 10.3 above.
- 9.6. The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 9.7. The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:
- 9.8. <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>  
<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

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## **10. Equalities implications**

- 10.1. There are no equalities implications arising directly from the recommendations set out in this report. However, an increase in the number of social rent homes in the borough to enable more households on low incomes, access to secure and safe accommodation will have positive equalities implications.
- 10.2. It should be noted that all of the protected characteristics will be considered and assessed with the impact and implications assessed as part of the commencement of any building work, which is led by our delivery agent Lewisham Homes and monitored by Council officers.
- 10.3. 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.

## **11. Climate change and environmental implications**

- 11.1. 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.
- 11.2. Every effort will be made to enhance the natural environment, enhance landscape and amenity space. 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.

## **12. Crime and disorder implication**

- 12.1. The new development will provide wider estate improvements, comprising of improved natural surveillance, and lighting, including improvements to the pathways and walkways which will in turn limit the opportunity for crime and disorder.

## **13. Health and wellbeing implications**

- 13.1. 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.

## **14. Social Value implications**

- 14.1. Lewisham Homes will address social value implications when procuring and awarding contracts for works.

## **15. Appendices**

1. Longbridge Road Estate s105 consultation letter
2. Longbridge Road Estate s137 consultation letter
3. Longbridge Road Estate leaseholder/freeholder consultation letter
4. Consultation map
5. Resident responses to consultations (re-dacted)
6. Officer responses to residents (re-dacted)

## **16. Background papers**

- 16.1. More information about the projects can be found on the Lewisham website:

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## **19. Comments for and on behalf of the Director of Law, Governance and HR**

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