

11 June 2018

Former Tidemill School, Deptford

in the London Borough of Lewisham

planning application no. DC/16/095039

Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Demolition of the former caretaker's house and Reginald House, conversion and extension of the former Tidemill School buildings and the construction of three new buildings ranging from 2-6 storeys to provide 209 residential units and public open space.

The applicant

The applicants are **Family Mosaic** and **Sherrygreen Homes** and the architect is **Pollard Thomas Edwards**.

Key dates

Pre-application meeting: 24 March 2015

Stage 1 reporting: 18 March 2016

Planning Committees: 29 September 2016 and 27 September 2017

Strategic issues summary

Estate regeneration and affordable housing: The application re-provides the existing social rented floorspace and delivers 50% affordable housing by habitable room in total, which has been verified as the maximum. Early implementation and late stage review mechanisms have been secured in line with the Mayor's Affordable Housing & Viability SPG and draft London Plan.

Open space and green cover: There is an increase in overall green cover. There is a net loss of soft landscaped green space, which is acceptable noting the improved quality and accessibility of the re-provision, as well as the substantial contribution to affordable housing. The existing meanwhile Old Tidemill Wildlife Garden activities can be satisfactorily accommodated within the completed scheme and the S106 agreement will secure community representative's continued involvement through a community engagement strategy and working group.

Outstanding **urban design, inclusive design, flood risk, climate change** and **transport** issues have been addressed.

The Council's decision

In this instance Lewisham Council has resolved to grant permission subject to planning conditions and conclusion of a Section 106 legal agreement.

Recommendation

That Lewisham Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

Context

1 On 8 February 2016 the Mayor of London received documents from Lewisham Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under the following categories of the Schedule to the Order 2008:

- Category 1A: Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.

2 On 18 March 2016 the former Deputy Mayor considered planning report D&P/2973a/01, and subsequently advised Lewisham Council that the application did not fully comply with the London Plan for the reasons set out in paragraph 58 of the above-mentioned report; but that the possible remedies set out in that paragraph could address these deficiencies. A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.

3 On 29 September 2016 the application was presented to Lewisham Council's planning committee with an officer recommendation for approval. The application was deferred for further consideration and clarification on daylight and sunlight impact to neighbouring properties, whether proposed open spaces would compensate for the loss of the former school garden, justification for the demolition of Reginald House and relocation of residents and the net contribution to affordable housing.

4 On 27 September 2017 Lewisham Council subsequently resolved to grant planning permission subject to planning conditions and conclusion of a Section 106 agreement. The Council initially advised the Mayor of this decision on 23 May 2018 and confirmed a revised determination date on 5 June 2018. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged; direct the Council under Article 6 to refuse the application; or, issue a direction to the Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application (and any connected application). The Mayor has until 11 June 2018 to notify the Council of his decision and to issue any direction.

5 The decision on this case, and the reasons, will be made available on the GLA's website www.london.gov.uk.

Consultation stage issues summary

6 At consultation stage Lewisham Council was advised that the application did not comply with the London Plan for the reasons set out below. The resolution of these issues could, nevertheless, lead to the application becoming compliant with the London Plan.

- **Affordable housing:** it is not possible at this stage to determine whether the proposal provides the maximum reasonable contribution to affordable housing, in accordance with London Plan Policy 3.12. The Council should secure a review mechanism in the S106 agreement.
- **Housing:** the Council should confirm that the housing mix meets local requirements and the applicant should address concerns regarding residential quality and play space, in accordance with London Plan Policies 3.5, 3.6 and 3.8.

- **Urban design:** the applicant should seek to address concerns relating to ground floor entrances and floor to ceiling heights, to ensure compliance with London Plan Policies 3.5, 7.3 and 7.5. The Council should impose conditions to ensure that high quality materials, detailing and landscaping are secured.
- **Flood risk:** the applicant should provide clarification with regard to building design and SUDS, in order to address the requirements of London Plan Policies 5.12 and 5.13. The Council should secure the details of a drainage scheme, including green roofs and rainwater harvesting, by condition.
- **Inclusive design:** the applicant should increase the provision of wheelchair accessible homes to meet London Plan standards and confirm that on street blue badge spaces can be provided, in accordance with London Plan Policy 3.8.
- **Climate change:** the energy strategy does not accord with London Plan policies 5.2, 5.6 and 5.9. Further information is required regarding overheating, site wide heat network and CHP.
- **Transport:** to ensure compliance with London Plan policies 6.1, 6.2, 6.3, 6.9 and 6.13 the applicant should provide further information to assess the potential impact on the public transport network and make alterations to the scheme in relation to car and cycle parking. In addition, a travel plan, construction logistics plan, delivery and servicing plan and car parking management plan will need to be secured by the Council through condition or S106 agreement.

7 Since consultation stage GLA officers have engaged in joint discussions with the applicant, the Council and TfL officers with a view to addressing the above matters. Furthermore, as part of Lewisham Council's draft decision on the case, various planning conditions and obligations have been proposed to address the above concerns and ensure that the development is acceptable in planning terms.

Strategic planning policy and guidance update

8 On 1 December 2017, the Mayor published his draft London Plan for public consultation, which should be taken into account on the basis explained in the NPPF. In August 2017 the Mayor published his Affordable Housing & Viability Supplementary Planning Guidance. On 5 March 2018, the Government published the draft revised National Planning Policy Framework for consultation (until 10 May 2018). This should be taken into account appropriately in accordance with its early stage of preparation. In February 2018 the Mayor's Good Practice Guide to Estate Regeneration (GPGER) was published.

Update

Estate regeneration and affordable housing

9 It is proposed to demolish Reginald House as part of the development, which comprises 13 social rented units and 3 leasehold units. In response to the GPGER, all tenants will be offered a home in the new development of a size to meet their current needs and maintaining their current rent, with the same security of tenure. Leaseholders will have an opportunity to move to a home in the scheme, their equity will be protected and there will be no rent charged on the difference between the equity and the full value of the property. Given the proposed

affordable housing provision (discussed below and set out in the below table) the application will more than re-provide existing affordable floorspace on a like-for-like basis and the re-provision of social rented units with London Affordable Rent (LAR) units is acceptable. As such the proposal is compliant with Draft London Plan Policy H10 and the GPGER.

unit type	existing social rent	proposed LAR	proposed shared ownership
1 bed	-	26	14
2 bed	13	30	13
3 bed	-	11	-
4 bed	-	7	-
total	13	74	27

Table 1: affordable housing provision

10 Objections and a petition to the Mayor have been submitted by residents of Reginald House, who object to the demolition of the block. As set out in the draft London Plan (paragraph 4.10.3), the Mayor expects any proposals for estate regeneration schemes to take account of the requirements of his GPGER. This guide, the draft London Plan, and this report all make clear the Mayor will use his planning powers to make sure that any homes demolished are replaced on a like-for-like basis, and that these schemes maximise the delivery of additional affordable homes wherever possible. Where a scheme involves demolition of existing homes, the guide is also clear the Mayor will use his non-planning powers to support resident ballots by making his funding conditional on the proposed scheme winning a ballot. The details of this funding condition, and of transitional arrangements, were subject to a public consultation that has now closed and is under consideration. As this scheme has been in contract for grant funding since before the publication of the draft funding condition, the requirement for a ballot cannot be applied retrospectively. Whilst the ballot and funding condition are not planning issues, and have not affected the Mayor’s planning decision in this case, in line with his Good Practice Guide the Mayor wants to see ballot used as widely as possible, and so he would urge the landlord of this scheme to undertake one.

11 London Plan Policy 3.12, draft London Plan Policies H6 and H10 and the Mayor’s Affordable Housing & Viability SPG requires all estate regeneration schemes to proceed by the Viability Tested Route, to ensure that additional affordable housing delivery (beyond the replacement of existing) is maximised.

12 The application has been the subject of a viability assessment, which has been robustly reviewed by the Council and their independent consultants, as well as by GLA officers. This assessment has concluded that 74 London Affordable Rent and 27 intermediate units (shared ownership), comprising 50% affordable housing by habitable room, is the maximum level the scheme can viably support. This is a substantial increase from the 19% proposed at consultation stage. Affordability is in line with the Mayor’s SPG and the London Plan AMR, with the shared ownership units secured at a range of income thresholds below the maximum.

13 This represents an uplift of 42% taking into account the existing 13 social rented units to be lost and is also reliant on GLA grant funding. The maximum viable ‘without grant’ scenario comprises 64 London Affordable Rent and 22 intermediate, equating to 41% by unit (a 35% uplift taking into account the demolition of existing social rented units). Early implementation and late stage review mechanisms are secured in line with the Mayor’s Affordable Housing & Viability SPG.

Open space and green cover

14 Part of the site is occupied by the Old Tidemill Wildlife Garden, a small green space which has been on site as a meanwhile use since the school vacated in 2012. Prior to this, the Garden provided a green space and resource for school pupils. The Garden is run by a group of volunteers, who are tenants of the Council, and is approximately 2,400 sq.m. in area, comprising a mixture of planted areas and water features. The GLA provided Pocket Park funding in 2013/14 towards landscape restoration, increased biodiversity and the installation of features such as a tree house and mobile kitchen. A local amenity group, Deptford Neighbourhood Action, applied to the Council for the Garden to be designated as an Asset of Community Value (ACV), but this was refused in August 2016.

15 The Garden is clearly a treasured local facility and this is reflected in the significant number of representations on this matter, including those directly to the Mayor from Assembly Members, the local MP and residents’ groups. Whilst it has catered for school and community groups and therefore serves a green infrastructure purpose, it is not fully publicly accessible, only being open approximately one and a half days a week by appointment. The applicant’s ecology statement concludes that it has low ecological value and the Council agree with this assessment.

16 The comprehensive redevelopment proposed would result in an increase in green cover of 1,780 sq.m., but a loss of soft landscaped green space of 1,320 sq.m. There would however be a significant improvement in both the quality and public accessibility of the green space, as well as a substantial contribution to affordable housing as public benefits.

Type of green space/ cover	Existing	Proposed	Change
Public	1,345 sq.m. (south-east corner plot, planted strips)	2,120 sq.m. (new north-south space, planted strips)	+ 775 sq.m.
Semi-public	2,400 sq.m. (Wildlife Garden)	N/A	-2,400 sq.m.
Private	790 sq.m. (housing grounds)	1,095 sq.m. (housing communal gardens)	+305 sq.m.
Green roofs	N/A	3,100 sq.m.	+3,100 sq.m.
Total green cover	4,535 sq.m.	6,315 sq.m.	+1,780 sq.m.

Total soft landscaped space (i.e. exc. green roofs)	4,535 sq.m.	3,215 sq.m.	-1,320 sq.m.
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Table 2: summary of existing and proposed green cover

17 In response to the concerns of Lewisham’s Planning Committee, who deferred consideration of the application in September 2016, the applicant has re-considered how the proposed open spaces could be designed and managed in order to compensate for the loss of the garden. A number of options have been drawn up following consultation and a S106 obligation will ensure that the local community is fully involved in the final design and ongoing management of the spaces. The construction phasing would also ensure that some of the new public open space is available for use from the outset, to enable activities currently taking place in the Garden to continue without disruption. The application would therefore be in accordance with London Plan Policy 7.18 and draft London Plan Policy G4, resulting in an uplift in publicly accessible open space on site.

18 It should be noted that the Garden is a meanwhile use and this was made clear to the tenants by the Council following the relocation of the school. Given the meanwhile nature of the Garden and the limited public access currently afforded to it, it is considered that the proposed approach to its re-provision within the scheme, which will guarantee full public access in perpetuity to new high quality, well animated public spaces, is acceptable in line with London Plan Policy 7.18 and Draft London Plan Policy G4. This approach is also in line with draft London Plan Policy H4, which is clear that meanwhile uses should not prevent the timely delivery of housing.

19 Friends of Old Tidemill School Gardens have devised an alternative scheme design, retaining the Garden and Reginald House in situ and proposing the same residential quantum on the rest of the site. Limited detail has however been provided and the scheme does not appear to have been the subject of any pre-application discussions, nor detailed technical assessment or testing. Furthermore, from the information available it would appear that a number of the public benefits the application would deliver, such as new public open space and new public routes through the site, do not form part of this alternative design. Notwithstanding these considerations, the Mayor can only determine the application before him and is not required to consider alternative proposals.

Design

20 At consultation stage, the applicant was requested to provide additional ground floor residential entrances to improve animation to the public realm. Where site levels allow, individual unit entrances have been incorporated into the design and GLA officers consider that active frontage throughout the scheme has been maximised.

21 The applicant was also requested to increase floor to ceiling heights in the converted/extended school building, which at 2.3 metres for the ground floor fall below the Mayor’s Housing SPG standard of 2.5 metres. An SPG compliant option has been considered, but this adds bulk to an already large roof extension and owing to the historic nature of the former school buildings this is not felt to be desirable. Furthermore, a number of the lower floor units in this block would be duplexes with double height living spaces. As such overall the residential quality of the scheme is acceptable.

Flood risk

22 At consultation stage, clarification was requested with regard to building design and the use of sustainable drainage systems. The applicant has clarified how plant spaces would be protected in the event of flooding and the inclusion of green roofs. Conditions have been included in the Council's recommendation requiring a full drainage strategy to be approved, including consideration of open water SUDS and as such the application is compliant with London Plan Policies 5.12 and 5.13, as well as draft London Plan Policies S112 and S113.

Inclusive design

23 As requested at consultation stage, the applicant has amended the scheme to ensure that 10% of the units on-site comply with optional Building Regulations M4(3) as wheelchair accessible. This is secured by condition, along with compliance with M4(2) standards for all other units. The application is therefore in accordance with London Plan Policy 3.8 and draft London Plan Policy D5.

Climate change

24 At consultation stage, further information was requested concerning overheating, the site wide network and CHP. In response, an overheating assessment has been undertaken and the design and management of the site wide network and CHP, which are considered satisfactory. Subject to the conditions included in the Council's draft decision and the S106 obligation requiring appropriate carbon offsetting, the climate change matters raised at Stage 1 have been addressed and the application accords with London Plan Policy 5.2 and draft London Plan Policy S12.

Transport

25 At consultation stage the primary transport concerns related to trip generation and mode share analysis and the potential impact on highways or public transport. Since then, further analysis has been submitted by the applicant for review and it has been confirmed that this is acceptable and no public transport contributions have been sought. Conditions requiring electric vehicle charging point provision, a parking management plan, a delivery and servicing plan, a construction logistics plan and a travel plan have all been secured. As such, the application is considered to be compliant with the transport policies of the London Plan.

Responses to consultation

Responses to neighbourhood consultation

26 Following the neighbourhood consultation, 158 responses were received, 156 in objection and 2 in support. Two petitions were also submitted in objection, with 1,004 and 97 signatures.

27 Objections raised concerns over the loss of Old Tidemill Wildlife Garden, the demolition of Reginald House, the proposed green space not being suitable for the community, overlooking, overbearing, loss of privacy, daylight and sunlight, flood risk, air quality, height and massing, cumulative impact with other developments, loss of heritage, insufficient parking and loss of parking, impact on social infrastructure, low affordable housing provision, inadequate consultation, loss of education facility and biodiversity.

28 Support comments were received from occupiers of Reginald House, who expressed desire to move into the new blocks.

Responses from local amenity groups

29 A number of responses from local amenity groups and residents' associations were received:

- **Friends of Old Tidemill Wildlife Garden/Assembly SE8:** Objection; loss of Garden and green/open space for education, impact on nature conservation, alternative scheme could retain Garden in situ, impact on wildlife and biodiversity, impact on air quality and flood risk, design/massing and impact on amenity.
- **Deptford Society:** Objection; impact on light and privacy of Frankham House and Reginald Road properties, loss of caretaker's house, creation of a gated community, lack of detail of refurbishment of old school buildings, reduction in green space and loss of trees and reduction in public car parking.
- **Crossfields Residents' Association:** Objection; impact on light of Frankham House properties, loss of caretaker's house, use of green space as a site compound, use of private gates to segregate existing residents and tree removal.
- **Deptford High Street Association:** Welcome the regeneration of the site to bring more homes and people to the area.

Responses from statutory bodies and other organisations

30 The following statutory consultees have responded to the consultation:

- **Environment Agency:** No objection, subject to conditions relating to ground contamination and piling.
- **Historic England:** Did not wish to comment.
- **Historic England Archaeology:** No objection, subject to a condition requiring a scheme of investigation to be approved and implemented before and during construction.
- **Thames Water:** No objection, subject to a condition in respect of piling.

Representations to the Mayor

31 A significant amount of correspondence addressed to the Mayor has been received in respect of this application, as detailed below:

- **Vicky Foxcroft MP:** Objection; concern over the loss of the Garden and impact on wildlife, as well as concerns over the levels of affordable housing. Requests that the Mayor calls in the application to address these issues.
- **Caroline Pidgeon AM, Len Duvall AM and Caroline Russell AM:** Objection; concern over loss of open space and green space, impact on air quality and loss of space for children to play. Concern over excessive density of developments in Deptford and demolition of existing social housing. Requests that the Mayor directs refusal of the application.
- **Friends of Old Tidemill Wildlife Garden/Deptford Neighbourhood Action:** Objection; concern over the loss of the Garden, which provides community, play and informal recreation space for local residents. Consider that an alternative scheme retaining the Garden in situ could provide the same number of residential units. Concern over demolition of Reginald

House and extent of public consultation. Request that the Mayor uses his planning powers to intervene in the case.

- **Crossfield Residents' Association:** Objection; concern over demolition of Reginald House, lack of social housing, concerns around viability and affordability/tenure, the loss of the Garden, inadequate green spaces within the development, inadequate infrastructure in the area. Request that the Mayor uses his planning powers to intervene in the case.
- **Reginald House Residents:** Objection and petition of 13 signatures; object to demolition of Reginald House and terms of re-housing, concerned that no ballot has been undertaken.
- **Sir Steve Bullock, former Mayor of Lewisham:** Writes in response to consultation correspondence received, setting out the extent of public consultation undertaken, the meanwhile status of the Garden, the benefits of the new green space within the development and affordable housing provision, including re-housing of Reginald House residents.

Response to consultation conclusion

32 Having considered the responses to public consultation, Lewisham Council has proposed various planning obligations and conditions in response to the issues raised. Having had regard to these, GLA officers are satisfied that the statutory and non-statutory responses to the public consultation process do not raise any material planning issues of strategic importance that have not already been considered in this report, or consultation stage report D&P/2973a/01.

Draft section 106 agreement

33 The draft S106 agreement includes the following provisions:

- 101 of the residential units to be provided as affordable housing, comprising 74 London Affordable Rent and 27 intermediate units;
- Early and late stage review mechanisms;
- Landscape Community Engagement Strategy, Community Landscape Working Group, maintenance and management plan and public access in perpetuity
- Contribution of £30,000 towards a controlled parking zone in the vicinity and parking permit restriction for residents;
- Contribution of £50,000 towards pedestrian and cycle infrastructure improvements;
- Car club membership of 3 years for residents and car club space on the highway;
- Car parking management plan;
- Local labour and business strategy, and contribution of £110,770; and
- Architect retention clause.

Article 7: Direction that the Mayor is to be the local planning authority

34 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at consultation stage, therefore, there is no sound planning reason for the Mayor to take over this application.

Legal considerations

35 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

36 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

37 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or, behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the Council to do so) and determining any approval of details (unless the Council agrees to do so).

Conclusion

38 The strategic issues raised at consultation stage regarding estate regeneration, affordable housing, open space, green infrastructure, urban design, flood risk, inclusive design, climate change and transport have been satisfactorily addressed, and appropriate planning conditions and obligations have been secured. As such the application complies with the London Plan and draft London Plan, and there are no sound reasons for the Mayor to intervene in this particular case.

for further information, contact GLA Planning Unit (Development & Projects Team):

Juliemma McLoughlin, Assistant Director – Planning

0207 983 4271 email juliemma.mcloughlin@london.gov.uk

Katherine Wood, Principal Strategic Planner

0207 983 5743 email katherine.wood@london.gov.uk

Nick Ray, Principal Planner – Special Projects (case officer)

0207 983 4178 email nick.ray@london.gov.uk
