

**28<sup>th</sup> June 2009**

## **FOREST HILL POOLS**

**Forest Hill Society (FHS) Submission for consideration prior to the Mayor and Cabinet Meeting on the 15<sup>th</sup> July 2009.**

### **INTRODUCTION**

- 1.1 The Forest Hill Society Executive and Development Committee has been following closely what has been happening with the Pools project since the last Mayor and Cabinet in February and in particular the consultation process. We have also been working up our own alternative proposals for cross subsidising a pool on the current site.
- 1.2 We remain fully committed to swimming and leisure uses returning to Forest Hill in the very near future and believe that this is what the community want to see. At this time we can see nothing to dissuade us from the view that the Dartmouth Road site is the best site for a replacement pool facility and that the Council should be working to see this delivered in the short term. Officers have themselves acknowledged that this site is the easiest to deliver through Planning.
- 1.3 We remain concerned that the Willow Way site is in an inappropriate, backland location for a leisure centre, that it is not deliverable in the timescales set out by officers and that it fails to support Forest Hill town centre in a way that is clearly needed. Our own assessment of planning policy has led us to be increasingly concerned about the Council's ability to deliver a pool on this site, as it is contrary to at least two of Lewisham's own Planning Policies and therefore any decision is ultimately out of its control.
- 1.4 We are supportive of the emerging proposals for an Arts Centre in Louise House and believe that this building should be kept separate from the Dartmouth Road site in any future pool/leisure or other options. This view is supported by the previous studies, which showed that conversion to housing was marginal on this part of the site at best.

### **RESPONSE TO THE CONSULTATION**

- 2.1 The FHS support the extent and process of the consultation undertaken by the Council on the pools project during May and June 2009. However, we have expressed concern about the wording of the consultation questions and options, and the lack of background information that was presented as part of this process, particularly to those that have not been party to the wider discussions and exhibitions to date.
- 2.2 We made our concerns about the consultation questions clear to Council officers in the time (15 hours overnight, at no notice) that our stakeholder representatives were given to comment. We believe that:

- the questions were too narrow, potentially making the whole process a waste of time if any unforeseen changes (e.g. to the programme) take place to any aspect of the development in the future;
  - the consultation questions failed to reflect the realities of delivering a pool on Willow Way, an existing developed site that is currently protected by existing Planning Policy (we don't see how delivery of any option by the end of 2011 is realistically possible), and
  - they fail to reflect the planning obstacles to achieving a pool on the Willow Way site and Housing on the pools site and gave the impression that the Council is in a position to proceed immediately to develop it, which we believe it is not.
- 2.3 The initial results of the consultation were presented to the Stakeholder group on the 18<sup>th</sup> June and do not point to any one clear way forward for this project. A good spread and number of the population of the area was consulted and both of the alternatives as presented were well supported.
- 2.4 We do not intend to go into any detailed analysis of the summary information that has so far been made public (at the 28<sup>th</sup> June 2009), but a couple of aspects of the proposals strike us as interesting and relevant, in particular:
- There is a much higher level of support (800 extra people in the consultation responses alone) for people actually using Pools on the Dartmouth Road site than the Willow Way site. This view strongly supports the long-term business case for a leisure centre on the Dartmouth Road site;
  - Most of the reasons people gave for supporting Willow Way above Dartmouth Road were solely to do with timing, showing that if this were not the only issue they would not necessarily support this option;
  - It is clear that the issues here are about swimming and pool use and which location people believe is the most convenient and appropriate location, it is not about conservationists versus swimmers as has previously been suggested; and
  - Even given the restrictive timing options a significant proportion of consultees in all groups thought it was worth waiting for a pool on the Dartmouth Road site.

#### CONCERNS ABOUT THE PROGRAMME AND DELIVERY OF THE POOLS

- 3.1 We remain concerned that the current (and consultation) delivery programme of the end of 2011 for the new pools is unrealistic and that therefore the consultation was not undertaken on a sound basis.
- 3.2 We would like the Council to address this issue honestly and reasonably in the report to Mayor and Cabinet and to be clear to residents and businesses when a pool/leisure use could realistically be opened for use.
- 3.3 The most recent delivery programmes that we have seen (in the February 2009 M&C Report) demonstrate delivery of a pool/leisure facility by November 2011 (the date used in the Consultation), but are based on the

- project being given the go ahead in February 2009, appointing the design team in June 2009, and planning permission being achieved by November 2009, at the same time as having the design team working at risk and the tender period being prior to planning permission being achieved. It appears to us that this programme is no longer feasible.
- 3.4 Having considered the broad range of issues that may arise in the development of a pool on either site we are of the view that Autumn of 2012 is the soonest that the project could be delivered and there is every chance that it would actually take significantly longer. The key tasks and risks we have identified include:
- Appointment of the Design team through the European procurement process (OJEU), which can take 3-6 months as a minimum;
  - Prepare a detailed planning application (5 months minimum, more likely 6-8 months), this would need to include traffic and highways reports, site investigations (which we are told have not yet been commissioned) and a range of other supporting information, including, if Willow Way is progressed, a very persuasive and well evidenced planning statement as to why a number of the Councils own adopted planning policies should be ignored. As part of this work detailed cost reviews and value engineering exercises may also be needed.
  - The consideration of the Planning Application would take around 13 weeks as a major application, then we understand that the decision would have to be referred to the Government Office for London as it is on a Council owned site, and in the case of Willow Way a departure from Planning Policy. So assuming that all of this goes to plan it is likely that another 4-5 months will have passed, more if the Judicial Review period when the decision can be legally challenged needs to be considered.
  - Only at this point would the Council be in a position to commence construction, and only now on the basis that they had tendered the project prior to planning being granted, a potentially high risk strategy in itself, particularly on the Willow Way site, which is contrary to policy. The previous programmes set out an 18-21 month period for construction from the appointment of a main Contractor, all of which brings us to September 2012, at the very earliest.
- 3.5 We would like to see the end to constant delays and changes to the programme and delivery and believe that by being more realistic now that there will be less disappointment and fewer 'surprises' in the future.
- 3.6 Alongside a more robust consideration of the programme we would also like to see the Council demonstrate the cost issues surrounding the development of the new pools facility and a realistic consideration of what can be achieved for the budget plus any potential cross subsidy. There are many people in the community who continue to find it impossible to believe that a budget that was deemed acceptable for a very similar mix of uses in 2006, has had to double in less than three years. We need to be clear whether the previous cost estimates are still valid, or whether

anything can be done to make this issue more transparent and understandable now.

#### AN ALTERNATIVE WAY FORWARD.....

- 4.1 Rather than spend the time since February waiting for the Council to decide on a way forward on its own, the Forest Hill Society has been giving careful consideration to how this project could move forward successfully for all parties.
- 4.2 We have been working on alternative, and we believe deliverable, ways of achieving the pool/leisure facility on the Dartmouth Road site and providing cross funding through live/work development on the Willow Way site. We believe that this approach significantly de-risks the timing and delivery aspects of the project, in particular because the pools project itself can progress quickly as there are no changes of use or departures from Council Policy to consider.
- 4.3 We have undertaken considerable research into the potential of live/work development on the Willow Way site and do not believe that this use, if properly developed, is contrary to existing Council Planning Policy. This is because the Council's existing employment designation that covers this site has a number of exceptions clauses and effective live/work on this site would meet many of the requirements of this policy, whilst at the same time supporting more recent Council studies which set out a need for long term flexible employment uses on the site and further supporting the creative industries potential of the area which has been specifically identified.
- 4.4 We have been talking to live/work developers who might be interested in taking the Willow Way site forward and they support the view of this being an appropriate use for the site, and a good land use to be progressing through a recession, as small business owners look to consolidate costs and risk. They would want to see this as a real working and living environment, that delivers significant jobs and employment opportunities for the South of the Borough. We are of the view that with the right developer on board (possibly including owner/occupiers) this is both a feasible and a deliverable project that could provide cross funding of at least £1.5million to £2million towards the cost of the pools at Spring 2009 prices, and potentially more as the economy lifts out of the current downturn.
- 4.5 The Council's allocated budget, plus this cross-subsidy, together with potential savings from reductions in build costs and tender prices evident across the construction sector, and possibly some small reductions in the scope of the building (with a possibly including the potential for a second phase post 2012), should be sufficient to see a new facility built on the Dartmouth Road site, by the middle of 2012 and possibly earlier. It is clear to us that this is the lowest risk and most deliverable strategy, and

- we believe this approach would be supported by the majority of local people.
- 4.6 We have undertaken analysis of the Willow Way site and have prepared initial proposals for live/work development and it is our intention to work towards the submission of an Outline Planning Application for this use on this site, if it is possible for us to do so. Even better if we could work together with the Council on this and we confirm that we would be very happy to work with you in helping support and deliver this proposal.

## CONCLUSIONS

- 5.1 We fully support the Council in a decision to return swimming and public leisure facilities to Forest Hill in the near future.
- 5.2 We continue to believe that the Dartmouth Road site is the most deliverable and appropriate site for this facility.
- 5.3 We believe that the recent Consultation supports the need for swimming in Forest Hill and that most people who would make use of the facility believe that this should be located on the existing Dartmouth Road site.
- 5.4 We would like to see a robust reconsideration of the delivery programme and budget requirements of this project, including consideration of any phasing potential of the development in order to provide a facility that the people of Forest Hill can make use of at the earliest opportunity.
- 5.5 We would welcome the opportunity to work with the Council to demonstrate the potential for live/work development on the Willow Way site.