

# MINUTES OF THE STRATEGIC PLANNING COMMITTEE

Wednesday, 16 December 2020 at 7.30 pm

PRESENT: Councillors John Paschoud (Chair), Leo Gibbons (Vice-Chair), Kevin Bonavia, Suzannah Clarke, Liam Curran, Olurotimi Ogunbadewa, Sakina Sheikh and James-J Walsh.

ALSO PRESENT:

Under Standing Order:

Blackheath Ward: Councillor Amanda De Ryk, and Councillor Juliet Campbell.

Planning Officers:

Major and Strategic Projects Manager, and Senior Planning Officer.

Legal Representative:

Charles Merrett, Francis Taylor Building – on behalf of London Borough of Lewisham.

Clerk:

Senior Committee Manager.

Apologies for absence were received from Councillor Andre Bourne and Councillor Aisling Gallagher.

The Chair, Councillor John Paschoud announced that officers and members of the public in attendance should turn their cameras off unless invited to participate at the meeting. It was stated that the meeting was held in public. Members of the Committee should leave their cameras turned on throughout the public web broadcast. The Chair stated that after the Officer's presentation, the applicant would address the Committee for 10 minutes. The same opportunity was given to members of the public and representatives of local groups who had registered to speak at the meeting.

## 1. **Declarations of Interests**

Councillor Kevin Bonavia disclosed that although he was a ward Member for Blackheath Ward, his contribution in the meeting was not as a representative on behalf of his constituents, but as a Member of the Committee in determining the proposal in the report.

## 2. **Minutes**

The Committee made an amendment to the wording in the decision of Minutes of the meeting of 17 November 2020. The Chair directed that the amendments should be discussed with planning officers for resubmission to the next meeting of the Committee.

### **3. Blackheath Business Estate, Blackheath Hill, London, SE10 8BA**

The Senior Planning Officer gave an illustrative presentation to the report, recommending that the Committee approve the proposal for planning permission to construct a part seven/part nine storey residential building and four storey commercial building with other associated works on Blackheath Business Estate, Blackheath Hill, SE10 8BA.

The Committee noted the report, and that the proposal would deliver 31 one bed, 24 two bed and 8 three bedroom residential dwellings, together with commercial space and associated amenities, including disabled parking, cycle parking, play space, refuse storage and plant areas.

In discussing the details in the report, Members asked questions and noted responses from officers on matters relating to the advice provided by the Council's Tree Officer, the amenity value of the development, ecology, the green wall and trees to be planted on the proposed site, including the landscaping design, and tenure blinding of the units to be delivered. Further responses noted by Members were in relation to pepper-potting of affordable housing units, potential traffic congestion and parking pressures, and the adequacy of the proposed vehicle delivery and service areas to support commercial activities on the proposed site when the development becomes operational.

The agents for the applicants also made submissions to the Committee, reiterating statements in the report about the design, façade, number of private and affordable housing units to be delivered, density of the proposed buildings and materials to be used. Also highlighted by the agents were the provision of flexible employment areas, private and shared amenity spaces. Plans to use renewable sources of energy, bio-diversity and ecology considerations were also stated by the agents as key elements of the proposed development.

In response to questions raised, the agents for the applicants gave an assurance to the Committee that their team consulted widely with residents via letters and series of remote meetings and workshops, including frequent liaisons with Council officers in the Housing Team and Planning Division throughout the feasibility and planning stages of the application. It was stated that the applicant would continue liaising with Council's officials, with a view to deliver according to the construction specification, and to ensure adequate re-location support to existing residents. The Committee also received confirmation that the as part of the implementation plan, there would be arrangements to hold seasonal education and community events for residents when delivery becomes operational.

The Committee's attention was further drawn by the agents to the fact that the applicant aimed to provide 37% affordable housing across the proposed scheme with habitable room. It was stated that the affordable housing provision was in accordance with the Council's housing policy to deliver homes to its residents. It was clarified that in addition to commercial areas with purposeful workspaces for start-up businesses, the total number of affordable and private dwellings to be delivered would be of a high-quality. The agents suggested that the Committee should approve the officer's recommendation in the report, in order to enable the

applicant to deliver the proposed development, which would represent a new benchmark for design and sustainability in Lewisham.

The meeting was also addressed by a residents' representative on behalf of those living in the Blackheath area. The representative informed the Committee that residents welcomed regeneration of the borough, and were supportive of the fact that the Council had a need to meet its housing targets. However, residents believed that the proposal would create an over-development, which would present an overbearing onto existing buildings. As an indication, the representative informed the Committee that daylight and sunlight into neighbouring properties would be substantially reduced and privacy compromised, in particular for those in Nos. 78 and 78a Blackheath Hill and patients and staff at the neurological hospital close by. The Committee also heard that residents were further concerned about the removal of matured trees in an area of heavy traffic activities. It was stated that the residential amenities and parking provision would be inadequate, and that the back end of the site would be incompatible with the proposed commercial use at the front end. The representative suggested that the Committee should refuse the application because the proposal was contrary to planning guidelines and policies. The representative expressed disappointment that the case officer's report failed to place weight on the issues he had raised.

A resident also addressed the meeting on behalf of her neighbour whom she advised was a tenant in the social housing within the Parkside estate located close to the application site. The Committee heard that residents living on the estate were concerned about overshadowing into their properties, and were of a view that the planned pedestrian access route to the rear of the proposed commercial block would present loss of privacy and compromise their safety. It was stated that the majority of the residents were suffering from respiratory illness, and therefore were objecting to the removal of matured trees. Furthermore, residents were anxious that the high-impact construction activities to be undertaken in the area would adversely affect their health and sleeping patterns. The resident stated that her neighbour was suggesting that Members should undertake a site visit to assess the potential impact on those living on the estate prior to making a decision on the proposal.

The meeting was also addressed by a representative on behalf of the Blackheath Society. The Committee was advised that the Society had no objection in principle to development taking place on the proposed site, and the plans to provide new private and affordable dwellings. However, the Society believed that the proposal was inappropriate in terms of its typography and configuration. The concerns informed by the representative were that the regeneration scheme would be excessive when set against the density perimeter of the proposed site, access via exits and entrances into and out of the site would be problematic for vehicles, and the safety of pedestrians would be compromised. The Committee also heard that when set against the number of family units to be delivered, the play areas allocated for children of potential occupiers would be insufficient. The representative also expressed a view that it was unlikely that the loss of amenities, including the felling of a corridor of matured trees and distortion to the ecology in the area by the proposed construction work could not be redressed by the proposed green wall. The Committee heard that the Society was also disappointed that the report had not addressed the issue of overdevelopment and

the harm as a result of that, particularly the adverse social impact to those living in existing dwellings close by. In view of the concerns, the representative stated that the Society was requesting that the Committee should reject the application in its current form.

Speaking as a Member of the Blackheath Ward, Councillor Amanda De Ryk echoed similar concerns expressed by residents' representatives who addressed the meeting earlier on. It was reiterated that the scale and height of the proposed building would be intrusive, overpowering, and out of scale in the surrounding area. The Committee heard that the overdevelopment would create an overbearing intrusion which would result in loss of daylight and sunlight onto existing properties. Also, residents' privacy would be compromised because of the closeness between the proposed blocks and existing buildings. Councillor De Ryk recommended that Members of the Committee should agree to conduct a site visit, with a view to assess how the proposed development would sit within the perimeter of the site in terms of its density, and also potential impact on residents, traffic/transport planning, and impact on patients and staff in the neurological hospital close by.

*(The Committee agreed to suspend Standing Order at 21.43pm)*

In considering submissions made at the meeting, some Members reiterated that the report made no mention about the amenity value of the corridor of trees in light of the policy implications outlined in the Tree Officer's report. They expressed a view that the proposal of scattering planting of trees in various areas on the site, and the planning of a green wall would be unlikely to mitigate for the loss of the matured trees earmarked to be felled in a highly polluted area of heavy traffic activity. It was stated that potential traffic problems and adverse impact on the ecology in regard to wild life and disturbance of species in the area continued to be a concern.

Continuing with their summation, the Members commented on the density of the proposed buildings, and that they remained unconvinced by officers' responses that the impact of the over-development would be minimal in the urban setting, particularly in regard of overshadowing, which would result in loss of daylight and sunlight onto neighbouring dwellings, and the neurological hospital close by. The Members stated that it was unacceptable that residents in the affordable block would have no access to the rooftop garden in the private block, and they expressed a view that any segregation in the communal areas, other than for security reasons or the prevention of crime, would be unreasonable.

Other Members echoed similar concerns that the area was densely populated and therefore would have a negative impact on the environment. It was also pointed out that the commercial building would be much higher than the adjacent building, and therefore would block the daylight and sunlight onto existing building, and would likely create overshadowing, and loss of privacy. The Members also expressed concerns about potential parking problems and congestions. The inadequacy of the entrances and exits to support commercial activities, and management of noise during construction works were also echoed by the Members as concerns.

In view of the considerations, some Members stated that they were wished to vote against the proposal but required legal advice to express the wordings of their intentions, and the potential implications of their actions.

*(The Committee went into a 'closed' session at 23.05pm to obtain legal advice).*

*(The Committee resumed from 'closed' session at 23.23pm)*

Some Members expressed a view that they would only support the officer's recommendation if additional requirements were added as part of the Section 106 Agreement, requiring that all reasonable endeavours should be made to promote pepper potting of the affordable units amongst the open market units, following liaison with Registered Providers, and submission to the Council for approval. The Members proposed additional planning conditions requiring that all of the external amenity spaces within the development, including the roof-top amenity space on Block A and B should be accessible to residents in private and affordable units at all times for the duration of the development, unless a report approved by the Local Authority, prior to first occupation of the development states that it prevent the prevent the development from achieving a 'secured by design' certification. The Members further proposed a condition requiring detail of playable space for children of all ages. Also proposed were requirements to revise wordings in condition 12 and 13 to include submission of living wall detail on the rear elevation of the commercial building. It was stated that the amendment to condition 13 should refer to landscaping maintenance and replacement in perpetuity if a tree fails. The Members added that wording to condition 11 should include for all car parking spaces and for the loading bays of the commercial block.

In view of the additional views expressed, the Chair directed that a vote would be taken on the officer's recommendations in the report in the first instance, and failing that, Members who had advised their intention to reject the proposal would be given an opportunity to state the reasons for a vote on the motion.

Councillor Leo Gibbons moved the recommendation in the report, and that was seconded by Councillor Olurotimi Ogunbadewa.

The Committee voted on the proposal, and there was a tie result. The Chair used his casting vote in favour of the recommendations, and the Committee

**RESOLVED:**

That it be AGREED to approve proposal, and refer the application and this report and any other required documents to the Mayor of London (Greater London Authority) under Article 5 of the Town and Country Planning (Mayor of London) Order 2008 (Category 1C and 1A of the Schedule of the Order):

And,

Subject to no direction being received from the Mayor of London, authorise officers to negotiate and complete a legal agreement under Section 106 and of the 1990 Act (and other appropriate powers) to cover the principal matters set out in this

report, including such other amendments as considered appropriate to ensure the acceptable implementation of the development.

And

Authorise the Head of Planning to **GRANT PERMISSION** for the construction of a part seven/part nine storey building on the site of Blackheath Business Estate, Blackheath Hill SE10 to provide 31, one bed 24, two bed and 8, three bedroom self-contained flats and a four storey building to provide 2288 sqm<sup>2</sup> commercial space, together with disabled parking, cycle parking, play space, refuse storage and plant, subject to amendments to some conditions set out in the report, the additional conditions agreed at the meeting and completion of a satisfactory legal agreement as follows:

1. Additional requirements, that as part of the Section 106 Agreement,:
  - (i) Require all reasonable endeavours to promote pepper potting of the affordable units amongst the open market units, following liaison with Registered Providers and submission to be made to the Council for approval.
  
2. Additional planning conditions:
  - (i) Stating that all of the external amenity spaces within the development, including the roof-top amenity space on Block A and B shall be made accessible to all residents of the entire development at all times for the duration of the development, unless a report has been submitted to, and approved by the Local Authority, prior to first occupation of the development, detailing how such a requirement would prevent the development from achieving 'secured by design' certification.; and
  - (ii) Add a condition requiring detail of playable space and how it is catered for each age group (0-5; 6-11; 12+)
  
3. Revision to planning conditions included in the report:
  - (i) Amend wording of condition 12 (Soft Landscaping) and 13 (Implementation) to include a requirement for the submission of living wall detail proposed on the rear elevation of the commercial building. Amendment to condition 13 to refer to landscaping maintenance and replacement in perpetuity if a tree fails.
  - (ii) Amend wording of condition 11 (Electric Vehicular charging points) to include for all car parking spaces and for the loading bays of the commercial block.

Meeting closed at 23.31pm

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Chair