

**LEWISHAM COUNCIL
PLANNING COMMITTEE A
THURSDAY, 27 AUGUST 2020 AT 7.30 PM
MINUTES**

PRESENT: Councillor James-J Walsh (Chair), Councillors: Sophie Davis (Vice-Chair), Obajimi Adefiranye, Patrick Codd, Carl Handley, Pauline Morrison, John Paschoud and Luke Sorba.

UNDER STANDING ORDERS: Councillor of Bellingham Ward: Allan Hall.

APOLOGIES FOR ABSENCE: Councillors: Liam Curran and Octavia Holland.

OFFICERS: Major and Strategic Projects Manager (MSPM), Planning Officer, Committee Officer.

ALSO PRESENT: Paula Young – Legal Representative.

**Item
No.**

1 Declarations of Interest

Councillor Davis advised of close involvement with Item 3 for the past 18 months. Councillor Davis was therefore recused by the Chair from the meeting for item 3 on the Agenda.

The Chair advised he had been lobbied by various groups of the Sydenham Society and Friends of Mais House.

Counsellor Paschoud advised he was a member of the Sydenham Society and stated he had no involvement in Item 3 on the Agenda.

2 Minutes

RESOLVED that the minutes of the meeting of the Planning Committee A held on 25 June 2020 be agreed with the following clarification and amendment with regard to: Member attendance and Item 3 on the Agenda as follows:

- For clarification, Councillor **Jacq** Paschoud attended the meeting.

- For Item 3 of the Agenda, the sentence in the minutes:

‘The Chair called for a vote. 4 Councillors voted in favour of the motion and 1 voted against the application.’

Should be read as:

‘The Chair called for a vote. 4 Councillors voted in favour of the motion and 1 voted against the motion.’

3 Land at Sydenham Hill Estate, London, SE26

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for the demolition of existing buildings at Mais House and Otto Close garages, SE26, and redevelopment to provide a part four, six and seven storey building and a part two and three storey terrace building providing a total of:

- 110 residential units (use class C3), community room and estate office; together with alterations to the existing ball court; associated works to vehicular and pedestrian access from Sydenham Hill, Lammas Green and Kirkdale; provision of car and cycle parking, refuse storage and landscaping including amenity space and play area.

The Committee noted the report and that the main issues were:

- Principle of Development
- Housing
- Urban Design
- Impact on Adjoining Properties
- Transport
- Sustainable Development
- Natural Environment
- Planning Obligations

Questions were raised by Members relating to: Nominations, pathways, local facilities, school admissions, parking, density, height and disability legislation.

The Officer advised that of the 110 homes, 50% of nominations would go to LB Lewisham, with the remaining 50% to the applicant, City of

London. The 110 homes were in addition to the current occupied homes on Otto Close.

The Officer acknowledged the concern raised with regard to existing non-compliant pathways. Members were advised that whilst a new relocated pathway would be built, compliance still would not be physically possible, due to the existing topography of the site. Members were advised that the existing pathway in this location was non-compliant. It was advised officers would work with the applicant to apply measures and conditions to mitigate the issue and ensure maximum levels of accessibility across the site.

The Officer advised the Committee that the applicant had provided an infrastructure study as detailed in the Officer report, of facilities within close proximity to the site.

The Officer stated that the 2 schools not identified by the applicant's infrastructure study were located in Forest Hill and Sydenham. It was advised clarification would be sought from the applicant

The Officer also informed Members that the infrastructure study demonstrated that there was sufficient existing capacity in relation to school places in the area.

The Officer confirmed 55 parking spaces would be provided in comparison to 13 existing parking spaces. It was advised that with regard to accessible parking spaces, 6% provision would be provided on site, which was in excess of the DLP standards. A Car Park Management Plan would be secured by condition to meet future demands.

Members were advised that the applicant had demonstrated via their infrastructure study, that there was sufficient existing capacity, in relation to GP facilities in the area.

The Officer provided the Committee with clarification to density calculations for the development, as detailed in the Officer report.

The Officer acknowledged the concerns relating to the varying heights of the development. Members were informed the Officer report advised there would be impact to the surrounding environment. The impact, was balanced against the public benefits of the scheme. Officers concluded the benefit outweighed the harm.

Following member questions, the applicant addressed the Committee. The applicant reiterated the advice provided by the Officer regarding nominations, then described the proposed redevelopment of the application site. Emphasis was given to the extensive resident and stakeholder consultation undertaken and still ongoing. It was advised that concerns, such as the impact of the application site on the local conservation area had been noted and addressed. The Committee

were advised that the scale and layout were considered, which resulted in a reduction of the proposed developments height. The representative concluded that the intended 150 homes were reduced from 150 to 110, which included 11 x 3 bedroom homes. The applicant concluded by advising Members that they were 'passionate' about delivering high quality housing.

Members asked questions relating to local infrastructure, school capacity and access to facilities.

The applicant quoted data from their conducted infrastructure study, which detailed the various facilities surveyed such as GP surgeries and schools. The applicant advised the study's findings confirmed facilities in the study had capacity for future residents of the application site.

A representative for the local residents addressed the Committee. The resident advised Members of resident's objections to the proposal due to the design and impact on the surrounding areas, local facilities, biodiversity transport and road network and consultation.

A Member made an enquiry with regard to density.

The Officer reiterated the earlier advice provided as detailed in the Officer report, with regard to density calculations for the application site.

Bellingham Ward Councillor Alan Hall addressed the Committee, under Standing Orders. Emphasis was given to risk issues for disabled residents with regard to the proposed pathways. The local authority were implored to engage with disabled residents on design. The flood risk to the application site was also addressed in relation to local dormant springs and streams. Assurance was requested that residents would not be at risk of new emerging watercourses. Concerns were expressed with regard to the Officer report and its supporting documentation. It was felt not enough notice given to public to review the new information provided. The Councillor concluded that it was felt an impact assessment was required of the equalities implications, to ensure the wheelchair adaptable standards had been met.

The Chair sought legal advice that if the proposal were approved, would any disability regulations have been breached.

The Legal Representative advised Members that the council was conducting its functions as the planning authority. Therefore, it must

give regard to its public sector equality duty. It would need to take into account the impact of the proposal on people with a protected characteristic. For the application under consideration, that would be disabled people who would live, work on or use the development. The duty required by the local authority would be to have regard to and, take into account the material considerations. It was not a duty for the local authority to determine the application in a particular manner. It was advised that as long as Members had enough information to consider the impact, assess and weigh it against the other material planning considerations then Members would have fulfilled their obligations. Any obligation on the part of the developer with regard other disability and building regulations, would be a matter for the developer to fulfil in delivering the development. The council would only need to determine that the planning application had taken into account all material planning considerations, of which the public sector equality duty was one.

Member's questions followed and related to disabled access, disabled parking and the design review panel, flood risk, GP facilities.

The Officer explained the disabled accessible units were located in areas where pathway gradients were compliant.

The Officer also reiterated the earlier advice provided with regard to parking and the Car Park Management Plan.

The Officer confirmed the membership of the design review panel were an independent panel of experts such as architects, landscape architects and conservationists appointed by the local authority to review applications. It was advised there were no statutory obligation for applicants to have their application reviewed by the panel, but it was encouraged by the local authority.

The Officer confirmed they had consulted with Thames Water and the local authority's environmental officers. No evidence was found of any future flood risk. Members were advised another study could be conditioned by officers under the Construction Management Plan for the applicant to conduct a further study into geology and bedrock, to provide further assurance of no flood risk.

With regard to the infrastructure study submitted by the applicant, the Officer advised there were no resources to check every local facility. Instead a spot check was conducted. Members were advised the data from the applicant's infrastructure study was not independently verified.

The Officer informed Members that experts were engaged to consider compliance across the development. It was proposed that for matters such as hard and soft landscaping, it would be possible through

imposed conditions, to ensure the maximum degree of accessibility was delivered across the site.

During discussion a Member commented the comparison made in the report of the proposed non-compliant pathway against other existing non-compliant pathways was not an acceptable justification.

Another Member voiced the view that the applicants had done a good job at addressing the issues of a very challenging site. Concern with regard to density and height of the development were reiterated.

A Member commented they felt undecided on the proposal, as it was not clear that the local authority had met its obligations in regard to its public sector equality duty toward disabled residents.

The Officer noted the concerns raised and confirmed that conditions that would be imposed to mitigate the impact of the issues raised in relation to the development. The design and height impact as a harm on the surrounding environment was noted and acknowledged. It was reiterated that officers would work with the developers and implement conditions to mitigate the impact of the proposed development on existing residents.

The Officer confirmed that concerns raised, would be mitigated with conditions imposed on the applicant, via a s106 Agreement

The applicant advised that existing resident's service charges would not be adversely affected by the services supplied to the new development, if they did not benefit from those services.

A Member paid tribute to the Officer report, to the planning officers involved and concluded the application under consideration was most needed.

Earlier a Member lost their remote connection to the Committee meeting. The Member was advised they would not be able to participate in the forthcoming vote on the planning application for item 3 on the Agenda.

The Committee considered the submissions made at the meeting, and

RESOLVED - unanimously

That it be noted that the Committee agreed to:

GRANT planning permission for the demolition of existing buildings at Mais House and Otto Close garages, SE26, and redevelopment to

provide a part four, six and seven storey building and a part two and three storey terrace building providing:

- a total of 110 residential units (use class C3), community room and estate office; together with alterations to the existing ball court; associated works to vehicular and pedestrian access from Sydenham Hill, Lammas Green and Kirkdale; provision of car and cycle parking, refuse storage and landscaping including amenity space and play area.

Subject to conditions and informatives outlined in the report and,

A requirement that officers should:

- Amend the landscaping condition to require design and consultation with experts to ensure optimal levels of accessibility to the development.
- Add a condition requiring land stability and groundwater/hydrology surveys.
- Amend the Construction Environmental Management Plan condition to ensure construction updates and consultation with residents.

The meeting closed at 9.45 pm.

Chair
