

Report to: Executive Director for Housing, Regeneration and Environment.

Item Number: N/A.

Report Title: Section 105 Consultation – Mayow Road Development.

Ward: Perry Vale.

Contributors: James Masini, Regeneration and New Supply Manager.

Class: Part 1.

Date: 24 October 2019.

1. Purpose of the Report

- 1.1 This report sets out the responses to a Section 105 (S105) consultation which has been carried out in relation to the proposed new development at Mayow Road warehouse (appendix 1). This is presented to the Executive Director for Housing, Regeneration & Environment for their consideration.
- 1.2 The S105 consultation contacted residents that hold a secure tenancy on the Dacres Estate. It sort their views on the temporary closure of the open amenity space to the south and/or east of Heathwood Point, which will also temporarily close the access path leading east-west between Heathwood Point to Mayow Road (appendix 2).
- 1.3 This consultation represented a formal consultation under Section 105 of the Housing Act 1985 and is appended to this report (appendix 3).
- 1.4 A planning application has been submitted for this development, with a decision expected in November 2019. Plans are subject to planning consent and approval by the councils Mayor and Cabinet to proceed with demolition and construction works.

2. Recommendation

The Executive Director for Housing, Regeneration & Environment is recommended to:

- 2.1. Consider the responses to this S105 consultation and the information held within this report;
- 2.2. Approve that, subject to planning permission being granted and authority given by Mayor and Cabinet to undertake the demolition and construction works, that the temporary closure of the open amenity space to the south and/or east of Heathwood Point be agreed, including the temporary closure of the access path leading east-west between Heathwood Point to Mayow Road.

3. Background

- 3.1. Lewisham Council are committed to delivering new council housing to combat the growing demand for high quality affordable housing in the borough.
- 3.2. The redevelopment of [Mayow Road warehouse](#) has been identified as an opportunity to meet these priorities. If planning permission is approved, it will provide 32 new high quality council homes. 26 of these homes will be for local families in housing need and will be used as Temporary Accommodation (TA). It will also deliver 6 supported living homes for residents with learning disabilities, helping them to live more independently in the community.
- 3.3. Approval was given by Mayor and Cabinet on the [13th February 2019](#) for the rationale and strategy of this redevelopment. A [planning application](#) has been submitted, with a decision expected in November 2019.
- 3.4. The development is still subject to planning consent and approval by the councils Mayor and Cabinet to proceed with demolition and construction works.
- 3.5. As part of the planning process two consultation events were held in Forest Hill School (December 2018 and March 2019) to discuss these plans and to inform the design process. Local residents, interested parties and other identified stakeholders were invited to attend these consultation events, and to make a formal representation about the planning application, by emailing Planning@lewisham.gov.uk quoting reference DC/19/113521.

4. Policy Context

- 4.1. The contents of this report are consistent with the Council's policy framework. It supports the priorities set out in the Corporate Strategy 2018-2022:
 - **Open Lewisham:** Creating a safe and welcoming environment
 - **Tackling the housing crisis:** Building decent, secure and affordable homes
 - **Giving children and young people the best start in life:** Providing safe and secure housing
 - **Building an inclusive local economy:** Providing local job opportunities
 - **Delivering and defending: health, social care and support:** providing Supported Living Homes
 - **Making Lewisham Greener:** Delivering public realm improvements and green infrastructure
 - **Building safer communities:** Providing and safe and secure home along with local public realm improvements
- 4.2. It will also help meet the Council's Housing Strategy 2015-2020 in which the Council commits to the following key objectives:
 - Helping residents at times of severe and urgent housing need
 - Building the homes our residents need
 - Greater security and quality for private renters
 - Promoting health and wellbeing by improving our residents' homes

5. Section 105 Consultation Background

- 5.1. A S105 consultation took place which contacted the Council's secure tenants on the Dacres Estate. It represented a formal consultation under Section 105 of the Housing Act 1985. It ran for 29 days between 20/9/2019 – 18/10/2019. Letters were individually posted via a on-site letter drop to secure tenants on the 20/9/2019. Residents were invited to respond via email or via post.
- 5.2. The consultation sort secure tenants views on the temporary closure of the open amenity space to the south and/or east of Heathwood Point, which will also temporarily close the access path leading east-west between Heathwood Point to Mayow Road (appendix 2). This space will be used as a staging and storage area for demolition and construction activities, facilitating the development.
- 5.3. This area will be closed for a period of 15-18 months from March 2020. Once construction activities are complete the area will be fully reinstated to its original condition.
- 5.4. General access and escape in times of emergency will be maintained via the two access routes that lead out of the building in an east and west direction. These paths then turn to the north towards Dacres Road. It is only the access path leading east-west between Heathwood Point to Mayow Road which will be temporarily closed.

6. Section 105 Consultation Responses

- 6.1. Responses were received from 9 different individuals as part of this S105 consultation. A schedule of these responses have been set out below. It should be noted that the majority of comments received were in relation to the planning decision being made in regards to the development, and were not specific to this S105 consultation i.e. the temporary closure of the open amenity space to the south and/or east of Heathwood Point, which will also temporarily close the access path leading east-west between Heathwood Point to Mayow Road (appendix 2).
- 6.2. Responses have been redacted to maintain confidentiality.

Response Number 1:

Individual Response

Date received: 11/10/2019

General Planning objection:

- Size and mass of building too large
- Impact on daylight for Heathwood Point residents
- Overlooking and privacy
- Perception that residents will be ex-offenders and have drug/alcohol dependency
- Concerns over safety and increase in crime
- Temporary residents do not care for their area
- No consultation undertaken

Specific Section 105 objection:

- Disruption to evacuation zones
- Disruption, dust, dirt and noise from construction site will cause inconvenience
- Construction site may bring undesirable people to the area

Response / Recommendation:

General access and escape in times of emergency will be maintained via the two access routes that lead out of the building in an east and west direction. These paths then turn to the north towards Dacres Road. It is only the access path leading east-west between Heathwood Point to Mayow Road which will be temporarily closed.

Some disruption during the demolition and construction works is inevitable, however we will keep residents fully informed of all activity. We will work with our colleagues undertaking the re-development of the old Brent Knoll School site (opposite Mayow Road warehouse) to create an appropriate construction management plan, to reduce traffic, noise, construction dust and any local disturbance (as far as possible). All activity will be carried out under strict guidelines and health and safety procedures.

The construction site will be fully secured with gated access and will be well lit at night. The new development will promote local safety improvements in its immediate area, including

Response Number 2:

32 signature Petition received from local residents

Date received: 21/9/2019

General Planning objection:

- Size and mass of building too large
- Overlooking and privacy
- Perception that residents will be ex-offenders and have drug/alcohol dependency
- Concerns over safety and increase in crime
- Temporary residents do not care of their area

Specific Section 105 objection: None

Response / Recommendation:

To be dealt with as part of the planning decision making process.

A report will be presented to planning committee.

At the time of writing this was scheduled for the 31st October 2019.

Response Number 3:

Individual Response

Date received: 17/10/2019

General Planning objection:

- Perception that residents will be ex-offenders and have drug/alcohol dependency
- Concerns over safety and increase in crime

Specific Section 105 objection: None

Response / Recommendation:

To be dealt with as part of the planning decision making process.

A report will be presented to planning committee.

At the time of writing this was scheduled for the 31st October 2019.

Response Number 4:

Individual Response

Date received: 17/10/2019

General Planning objection:

Impacts on health and well-being due to:

- Perception that residents will be ex-offenders and have drug/alcohol dependency
- Concerns over safety and increase in crime
- Overdevelopment of the area and waste of resources

Specific Section 105 objection: None

Response / Recommendation:

To be dealt with as part of the planning decision making process.

A report will be presented to planning committee.

At the time of writing this was scheduled for the 31st October 2019.

Response Number 5:

Individual Response

Date received: 17/10/2019

General Planning objection:

- Perception that residents will be ex-offenders and have drug/alcohol dependency

- Concerns over safety and increase in crime
- Temporary residents do not care of their area
- Massing & construction will change the character of the area

Specific Section 105 objection: None

Response / Recommendation:

To be dealt with as part of the planning decision making process.

A report will be presented to planning committee.

At the time of writing this was scheduled for the 31st October 2019.

Response Number 6:

Individual Response

Date received: 17/10/2019

General Planning objection:

- Perception that residents will be ex-offenders and have drug/alcohol dependency
- Concerns over safety and increase in crime
- Overdevelopment of the area with a lack of appropriate infrastructure
- Traffic generation and lack of parking

Specific Section 105 objection: None

Response / Recommendation:

To be dealt with as part of the planning decision making process.

A report will be presented to planning committee.

At the time of writing this was scheduled for the 31st October 2019.

Response Number 7:

Individual Response

Date received: 17/10/2019

General Planning objection:

- Perception that residents will be ex-offenders and have drug/alcohol dependency
- Concerns over safety and increase in crime

- Close proximity of the new development to Heathwood Point impact on privacy and lighting

Specific Section 105 objection: None

Response / Recommendation:

To be dealt with as part of the planning decision making process.

A report will be presented to planning committee.

At the time of writing this was scheduled for the 31st October 2019.

Response Number 8:

Individual Response

Date received: 17/10/2019

General Planning objection:

- Perception that residents will be ex-offenders and have drug/alcohol dependency.
- Concerns over safety and increase in crime
- Over development and impact on privacy

Specific Section 105 objection: None

Response / Recommendation:

To be dealt with as part of the planning decision making process.

A report will be presented to planning committee.

At the time of writing this was scheduled for the 31st October 2019.

Response Number 9:

Individual Response

Date received: 21/10/2019 (NB: even though this response was received after the deadline, it has been included as this report had not yet been sent for a decision)

General Planning objection:

- Perception that residents will be ex-offenders and have drug/alcohol dependency.
- Concerns over safety and increase in crime
- Loss of trees
- Size and mass of building too large

- Decrease in local property value

Specific Section 105 objection: None

Response / Recommendation:

To be dealt with as part of the planning decision making process.

A report will be presented to planning committee.

At the time of writing this was scheduled for the 31st October 2019.

- 6.3. Based on the schedule of responses above it is recommended to agree the recommendations in this report.

7. Financial Implications

- 7.1. A post-planning cost strategy will be identified for this project as part of ongoing approaches to developing a programme wide financial model for the Council's house building programme.
- 7.2. The most advantageous funding model for the works to develop Mayow Road warehouse will be presented to Mayor and Cabinet for approval following post-planning detailed design and the procurement of demolition and construction works.

8. Legal Implications

- 8.1. The Council has a wide general power of competence under Section 1 of the Localism Act 2011 to do anything that individuals generally may do. The existence of the general power is not limited by the existence of any other power of the Council which (to any extent) overlaps the general power. The Council can therefore rely on this power to carry out housing development.
- 8.2. 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 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.
- 8.3. 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.
- 8.4. 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.
- 8.5. 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 9.3 above.
- 8.6. 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.
- 8.7. 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:

[Hyperlink to Human Rights Commission, Equality Act codes of practise](#)

[Hyperlink to Human Rights Commission, Equality Act technical guidance](#)

9. Crime and Disorder Implications

- 9.1. The new development will be replacing an empty and unused warehouse which has the potential to attract criminal or antisocial behaviour. The Council have put in place measures, including security patrols, to maintain the current buildings security.
- 9.2. None of the accommodation provided will be targeted at people imminently leaving the criminal justice system, or will be targeted at those with drug and/or alcohol dependency. The development will provide family accommodation which will see an increase in the number of parents and children in the local area, as well as provide homes for residents with learning disabilities who will have 24/7 on site care and support. An increase in residents in the local area has the added benefit of increasing local active surveillance.
- 9.3. The development will promote local safety improvements in its immediate area, including new lighting, pavement works and CCTV cameras at key locations. The building will be secured through door fob entry systems into the buildings main entrance, bins stores and bike stores.

10. Equality Implications

- 10.1. This report supports the delivery of the Council’s house building programme and Housing Strategy 2015-2020¹ by ensuring that those in housing need in Lewisham have a safe, secure and high quality residence from which to live, prosper and grow. Due regard will be given to making sure that these two developments meet the necessary requirements for access, quality and amenity space required as part of the GLAs housing design guide standards.
- 10.2. Every effort will be made to promote local social value and equalities through the development process, including the contracting of works packages and contractors, and in the generation of local jobs, employment, and apprenticeships.
- 10.3. The Council have also undertaken local consultation activity to understand key issues for local residents in regards to this development and provide a forum for communication with the Council. Consultation views have helped to inform the design and planning process.

11. Environmental Implications

- 11.1. Every effort will be made to enhance the local environments, amenity space and public realm of the developments proposed where appropriate. This will include undertaking environmentally sensitive and locally respective demolition and construction works, as well as meeting Council energy and sustainability targets.
- 11.2. Some disruption during the demolition and construction works is inevitable, however we will keep residents fully informed of all activity.
- 11.3. We will also work with our colleagues undertaking the re-development of the old Brent Knoll School site (opposite Mayow Road warehouse) to create an appropriate construction management plan, reducing traffic, noise and local disturbance.

12. Decision

12.1. I hereby:

Approve that, subject to planning permission being granted and authority given by Mayor and Cabinet to undertake the demolition and construction works, that the temporary closure of the open amenity space to the south and/or east of Heathwood Point be agreed, including the temporary closure of the access path leading east-west between Heathwood Point to Mayow Road.

SignatureDate.....

¹ [Hyperlink to Lewisham Council's Housing Strategy 2015 to 2020](#)

Appendix 1: Site Location Plans & Photos

Mayow Road Warehouse



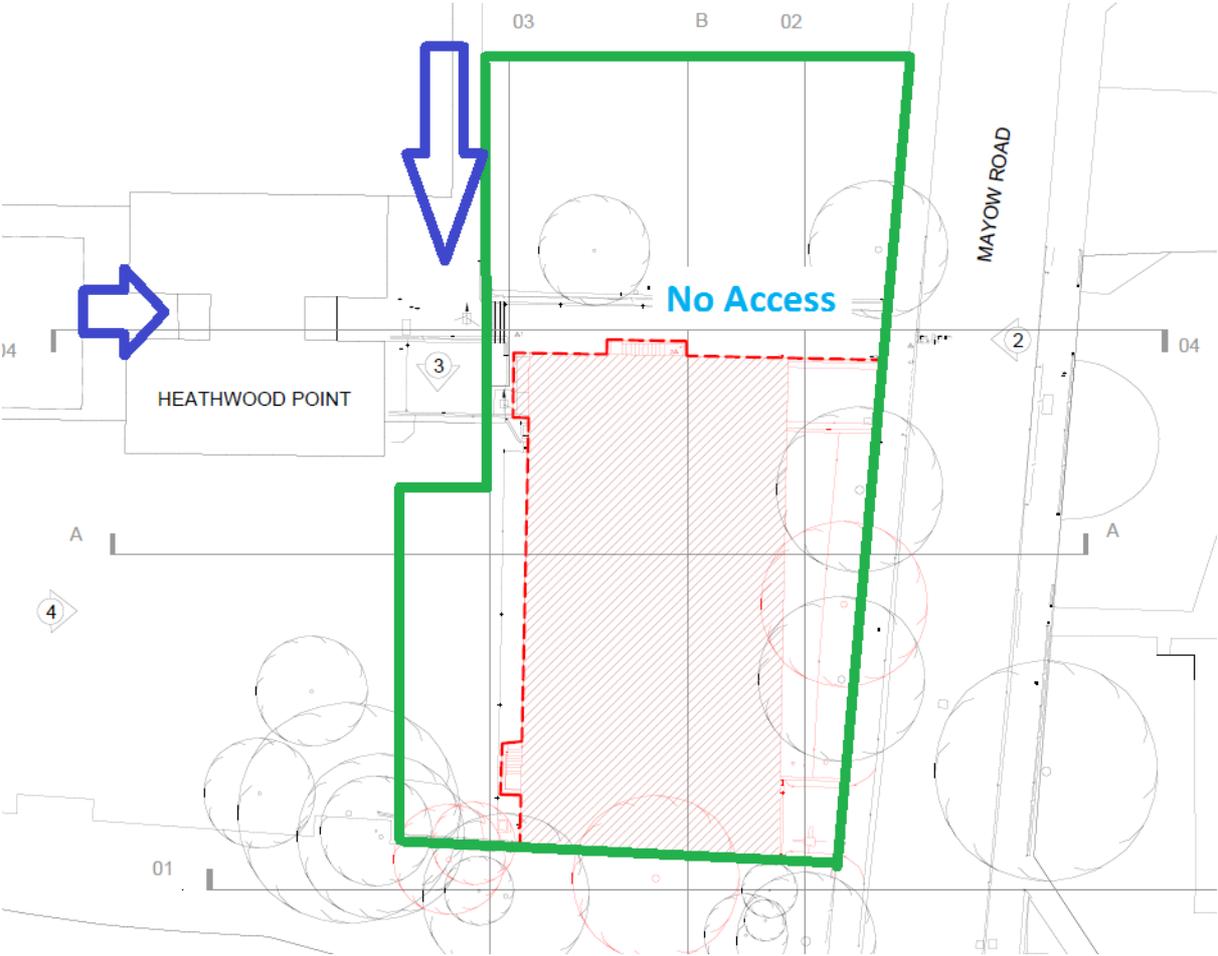


Appendix 2: Proposed Hoarding Area & Access Arrangements

Key

Green = Hoarding Boundary to allow for construction

Blue = Access Arrangements for entering Heathwood Point



Appendix 3: S105 Consultation Letter

Mr Andrew McVitty
Housing, Regeneration and
Environment Directorate

Strategic Housing
4th Floor, Laurence House
Catford
London SE6 4RU

020 8314 2210
Andrew.mcvitty@lewisham.gov.uk

20/09/2019

Dear Resident

PLEASE READ THIS LETTER CAREFULLY

STATUTORY CONSULTATION – SECURE COUNCIL TENANTS – DACRES ESTATE

**RE: THE DEMOLITION OF MAYOW ROAD WAREHOUSE AND THE TEMPORARY USE
OF THE OPEN SPACE TO THE SOUTH AND/OR EAST OF HEATHWOOD POINT, SE23
2XJ**

Lewisham Council *is applying* for planning approval to demolish the Mayow Road Warehouse (see appendix 1) and provide 32 new Council homes in its place.

A planning application has been submitted for this new development.

If this application is approved and the demolition/construction activities go ahead, it will likely involve the temporary closure of the open amenity space to the south and/or east of Heathwood Point.

This space will be used as a staging and storage area for demolition and construction activities (appendix 2).

The work will also involve the temporary closure of the access path leading east-west between Heathwood Point to Mayow Road.

Please see appendix 2 for a map showing likely access and hoarding arrangements.

We are seeking your views on this temporary closure.

This letter represents a formal consultation under Section 105 (S105) of the Housing Act 1985, under which the Council has a duty to consult with its secure tenants. You are therefore being contacted to provide your comments.

Background & Proposal

The Council are committed to delivering new council housing in Lewisham. It recently announced a programme to build 1000 new council homes by 2020. This will help to meet the growing demand for high quality affordable housing in the borough.

The redevelopment of Mayow Road warehouse has been identified as an opportunity to meet these priorities. It will provide 32 new high quality council homes for local families in housing

need. It will also deliver a number of supported living homes for residents with learning disabilities, helping them to live more independently in the community.

More information can be found here:

[Hyperlink to Lewisham Council Planning application summary and decision](#)

Two consultation events were held in Forest Hill School (December 2018 and March 2019) to discuss these plans.

A planning application has been submitted for this new development. The planning application is available to view here:

[Hyperlink to Lewisham Council Planning application summary and decision](#)

These plans are still subject to planning consent and approval by the councils Mayor and Cabinet to proceed with demolition and construction.

A formal planning consultation is underway. If you wish to make a formal representation about the planning application, please email Planning@lewisham.gov.uk quoting reference DC/19/113521.

This S105 Consultation

You are being contacted to take part in a S105 consultation as you are one of the Council's secure tenants. This letter represents a formal consultation under Section 105 of the Housing Act 1985.

The Council is seeking your views on the temporary closure of the open amenity space to the south and/or east of Heathwood Point (appendix 2).

If the demolition and construction goes ahead it will likely involve the temporary closure of this space. It will be used as a staging and storage area for demolition and construction activities.

The work will also involve the temporary closure of the access path leading east-west between Heathwood Point to Mayow Road

Appendix 2 identifies where the Council propose to close off the area temporarily.

This area will be closed for a period of 15-18 months from March 2020. Once construction activities are complete the area will be fully reinstated to its original condition.

Responding

If you and any other secure tenant in your home wish to make any representations about this proposal and their effect as outlined in this letter, you must do so by no later than **5pm Friday the 18th October 2019**.

You can let us know your views by:

1. Emailing your comments to Andrew.mcvitty@lewisham.gov.uk

OR

2. Completing the enclosed questionnaire response form (appendix 3) and returning it using the following address:

FAO: Andrew McVitty
London Borough of Lewisham
Strategic Housing
4th Floor, Laurence House
1 Catford Road
London SE6 4RU

Please include your name and address in any response

All representations received by **5pm Friday the 18th October 2019** will be considered by the Council before deciding whether or not to proceed with the temporary closure of the open amenity space to the south and/or east of Heathwood Point and the temporary closure of the access path leading east-west between Heathwood Point to Mayow Road.

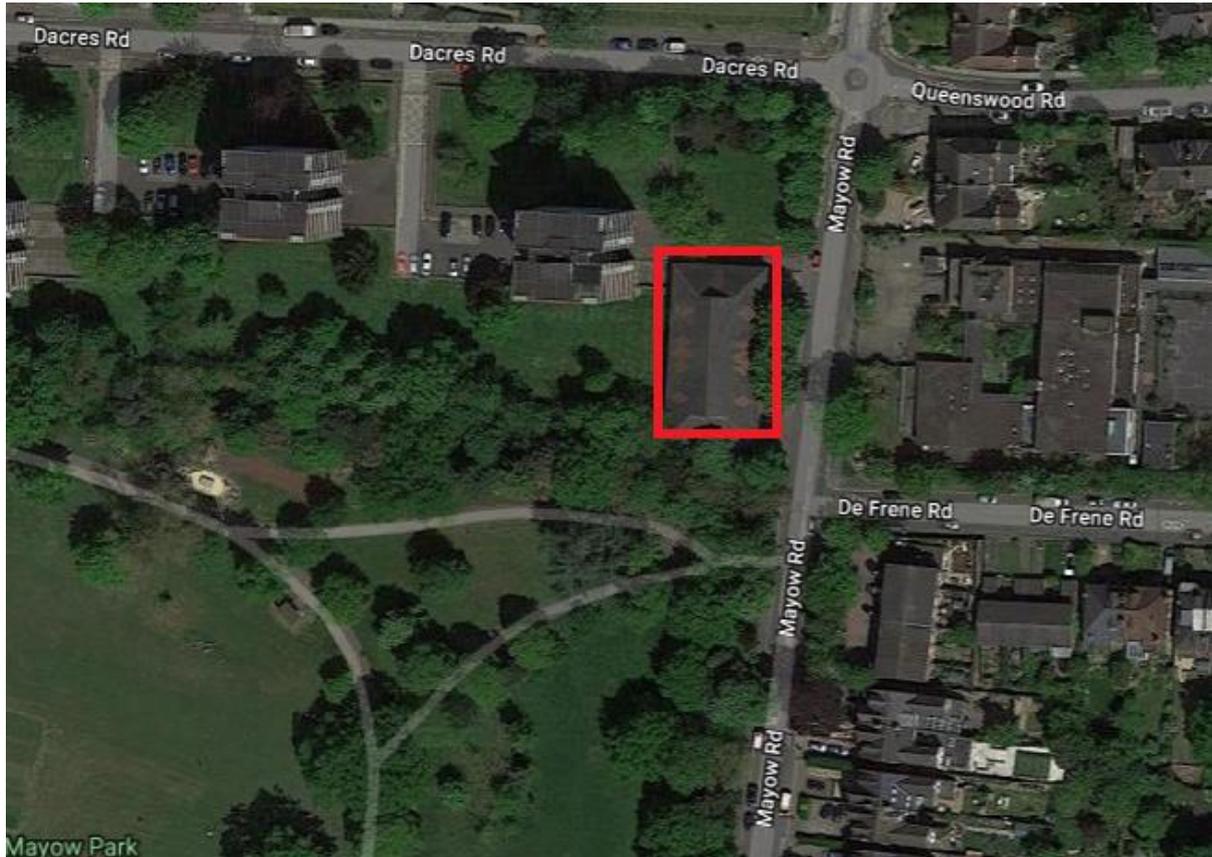
Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew McVitty', is centered on a light gray, textured rectangular background.

Andrew McVitty
Housing Delivery Manager

T: 0208 314 2110 M: 07392 862 174
E: andrew.mcvitty@lewisham.gov.uk

Appendix 1: Location of Mayow Road Warehouse

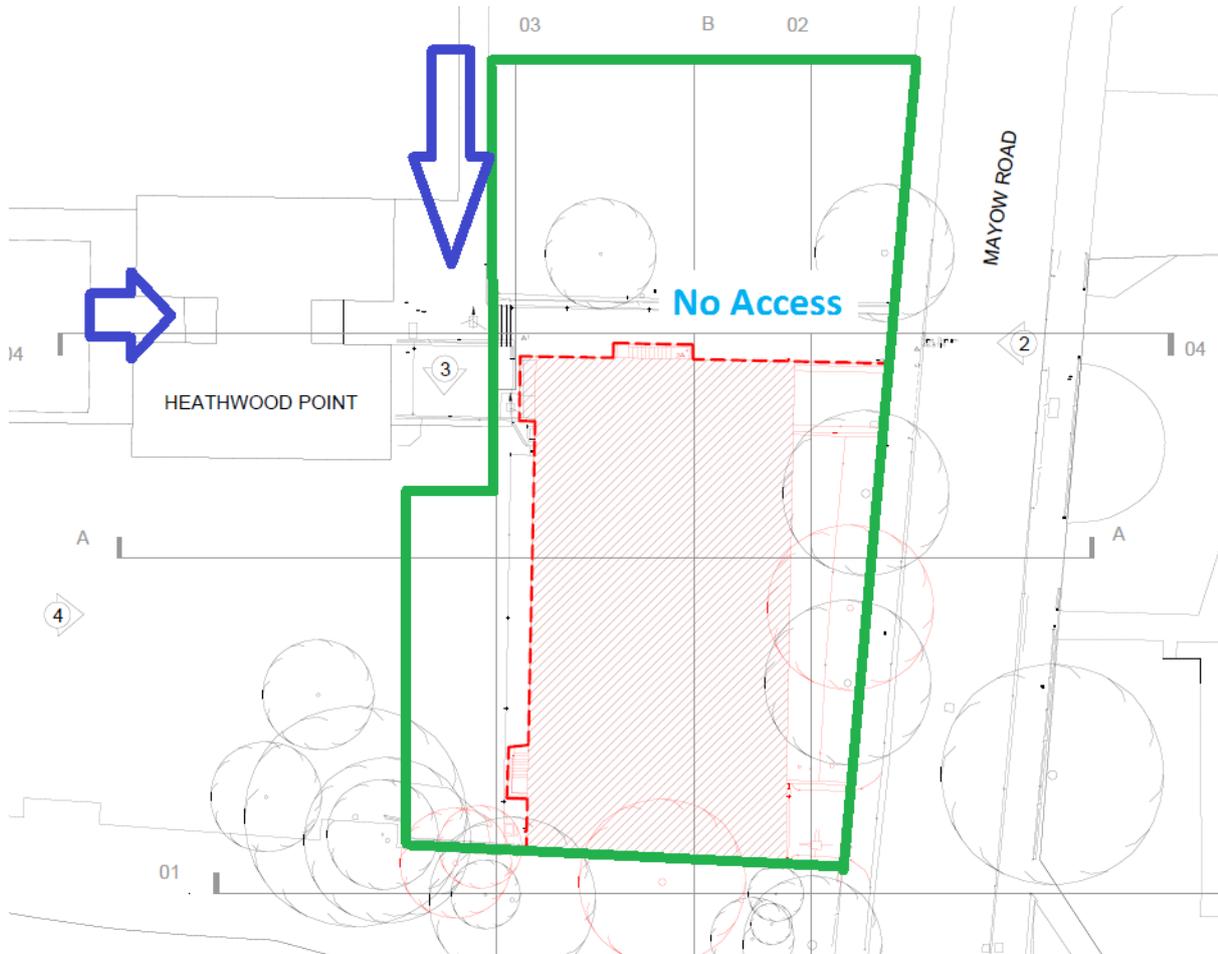


Appendix 2: Proposed Hoarding Area & Access Arrangements

Key

Green = Hoarding Boundary to allow for construction

Blue = Access Arrangements for entering Heathwood Point



Appendix 3: Questionnaire Response Form

Your Name:

Your Address:

We would welcome your views to this s105 consultation letters proposals, answering in the following boxes:

1. Your opinion on the temporary closure of the open amenity space to the south and/or east of Heathwood Point. This space will be used as a staging and storage area for demolition and construction activities.
2. Your opinion on the temporary closure of the access path leading east-west between Heathwood Point to Mayow Road.

Please ensure this form is returned no later than 5pm Friday the 18th October 2019 to:

FAO: Andrew McVitty
London Borough of Lewisham
Strategic Housing
4th Floor, Laurence House
1 Catford Road
London SE6 4RU