

New Homes Network Meeting 17th November 2021 – minutes

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Influencing planning committee. Clarifying how TRAs can oppose rooftop development at an advanced stage, and how the SGTO can support (pages 7 – 10).

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Action 1.1: Catherine to examine the London Plan's approach to infill development.

Action 1.2: Catherine to investigate what role a community brief could play if a resident wanted to object to a planning application.

Action 1.3: Jack to forward Catherine additional questions in the chat.

Action 1.4: Jack to create and circulate a poster for the Planning Policy training.

Action 2.1: Jack to redraft Consultation Charter in accordance with points raised.

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Action 3.1: Sam said she would investigate the specifics of what the Councillor was told.

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Action 3.3: Sam to share information on the surveyor she used with Jennifer.

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Action 3.5: Jack to contact John Smith from LHC.

1st December Planning Policy Training. What is it and how can residents benefit? Q&A with trainer Catherine Nichol

Jack (Campaign and Research Officer, SGTO) introduced Catherine as one of the four volunteers who will be facilitating the training.

Catherine mentioned that she is a Borough of Kensington and Chelsea planning officer, processing planning permissions as part of her role. She also volunteers for Planning aid for London. Catherine mentioned that the training provided previously (in March 2021) was more overarching in focus. This new training will bring it down to a focus on new homes proposed by Southwark Council. Planning aid for London will help build up a document

library of relevant policies in the local plan and London plan. This library would assist in making objections or supportive comments, on planning applications. Infill developments and rooftop developments will be the two main topics for the training. It would be good to hear what people's key concerns are in these areas.

The second aspect of the training will be creating a template for participants to use to respond to a planning application. The training will cover how to submit responses and cite relevant policies.

Jack mentioned how Koen Rutten (Project Manager, Planning aid for London) had previously attended to develop the initial training ideas.

Jennifer (Clifton Estate) wants the training divided up into a) whether you will lose natural light, b) if you lose play space, garages etc. Not everyone will want the same list of objections. Jennifer mentioned that we had discussed having the relevant policies being listed for each type of objection, and they would be labelled so people would know which one to choose. SGTO could print off the materials so people could take them home. Some members have already been studying the policies but planning applications are being pushed through quickly, so practical support is required to combat these. Jennifer is concerned about the danger posed by rooftop homes, and asked Catherine whether she had read the Arup feasibility report. Jennifer said that we should concentrate on the fact that pre-1970 blocks do not comply with legislation on disproportionate collapse, and we must use this to oppose rooftop homes. If Building Control approves of the rooftop extensions, it will get pushed through Planning Committee. The Council are likely to push through various rooftop homes extensions at the same time.

Catherine mentioned that we could have a take-home printout for participants, tailored to these concerns.

Jack said that the limit on attendance at Bells Gardens meant that if some people are not able to attend, they can receive information in paper form after the training has happened.

Katie Phillips mentioned that the Kingston Estate's application went to Planning Committee, but it appeared that Southwark Council were not adhering to their own policies. It would be helpful to know what the options are when the Council do not adhere to their own planning policies. This is also the case with Slippers Place.

Jack asked about the backgrounds of the other volunteers facilitating the training.

Catherine said that there would be four volunteers, and Koen Rutten. Two are in policy – they write planning policies in their own boroughs. They will know a lot about Katie's question around adherence to planning policies. Another volunteer runs her own private consultancy, working with planning applicants.

Cris Claridge (Chair, SGTO) asked about when and where the training will take place.

Catherine mentioned that it would take place on 1st December, at the Bells Gardens Community Centre from 6:30pm.

Amanda Johansson (Chair, Lindley TRA) mentioned that in relation to infill development, the London Plan only counts the amenity land against the new build. This means the standards of the rest of the Estate are lowered. As this is a loophole, can we get around it using examples of equity and equality?

Catherine read that Southwark Council were looking to implement some kind of community space option, which may be relevant here.

Amanda said that Sian Berry had visited Bells Gardens and had mentioned that when the London Plan was written, it was with an idea of demolition and development that did not consider infill. It is being used by Councils in this manner but is not written for this purpose.

Catherine agreed to look into this.

Lucy Hancock (Clifton Estate TRA) said that on her estate there had been talk of bringing onboard an external consultant/mediator. They appeared at a project group meeting.

Jennifer mentioned that this was a person from Open Communities. They are mediators, not planning experts. They sent one person to Ledbury, another to Chilton Grove. They did not have knowledge of planning but sent them to mediate between residents and project managers. They were intermediaries but were cancelled at the last minute.

Amanda said that on Lindley they had Neal Purvis do this role. He informed residents of what their rights were.

Jennifer said that Neal Purvis was the mediator for 'Residents in Democratic System' two years ago. He helped to write the new system the Council uses to consult TRAs. Jennifer said that previously Neal ignored questions that Jennifer posed to him. It is disappointing how the Council has reorganised their resident involvement methods, and Neal was a part of this. The Council are supposed to be fair minded but they don't tend to take the side of the tenants.

Harps (Planning Solicitor, Southwark Law Centre) said there are quite different issues with rooftop vs. infill development, so you need to separate these two out. On Kingston Estate, Harps advised objecting residents. The application reduced amenity space and there was no provision for new space. Some elements of the Residential Design Standards were not complied with. Residents wondered what weight these standards have in the planning system. When amenity space is being taken away, you can use their community use in arguments. But when it is less regulated greenspace, it is hard to make these arguments. The Council has a manifesto commitment to build new council homes – they want to get a certain number of homes through before the next Council election. Unless we have a vital objection, we are unlikely to meet success (even if designs don't meet Residential Design Standards). Loss of greenspace, lack of provision and compliance on providing private and communal amenity space, adequate distance between buildings with overlooking windows – these are issues that came up with the Kingston Estate, and may come up with Slippers Place.

Cris said that she has had a positive experience of Neal Purvis, who was on the Futures Steering Board for a number of years. Cris found him sympathetic towards tenants, and Cris was not aware that Neal played a part in dismantling tenant participation structures.

Jennifer will double check this.

Cris mentioned him working on the Ledbury Estate and the Tustin Estate.

Jennifer said he had worked with residents in Chilton Grove. They had N-G Construction and Fuse Architects. If you read what residents said about the estate, it is appalling.

Amanda mentioned how the Council declared a climate emergency in 2019, and this interacts with their other policies, but not just planning.

Bill Newman (Chair, Lordship Lane TRA) said that originally the Council were planning to build on garages on their estate, in close proximity to existing buildings. Originally, they were not going to build higher than existing blocks, but new drawings suggest that the Council plan to build a six-storey block, and now they are saying that while the block can be higher than existing properties, it cannot be higher than the trees. Trees grow! This means it could be even higher at a later date – can we object on these grounds?

Catherine said it is hard to know what the internal discussion would have been.

Bill said that at the community brief at the start, they said that the group would have overall say in the building's design, but this has not happened. Residents object, yet the Council say they will go ahead anyway. Is the Community Brief the Council originally produced something we can use to object? Each estate should have their own brief. Residents were able to contribute topics to this brief. This includes the style, height limits etc. They have dismissed this document now.

Catherine will try and find this brief.

Sam Jones (Lancaster Estate) said that at the project group, it is worth asking for an independent mediator. Southwark Council's climate policies and its approach to housing are in direct contradiction to each other. There is a lot of slight of hand – which policy trumps the other, and how do they interact? How do we interact with policies outside of the housing policy brief?

Brendan O'Brien (Vice Chair, Bermondsey Street Residents Association) asked whether there is a higher authority in relation to planning issues (such as the Planning Inspectorate) that it would be worth appealing decisions to. We could do this if the Council fail to adhere to their own guidelines.

Catherine said she did not have experience of this. The Appeals process is more for the applicant themselves, or for a resident raising an issue on an application that has already been approved.

Brendan said we could raise an issue with the Planning Inspectorate as a group. 17 appeals have been upheld in Southwark in one year.

Harpis said that the ombudsman investigates maladministration by Councils – this could include consistent failures to do what they said they would. This is a bit different to the appeal process. We could bring a complaint of maladministration against the Council. If we have residents detrimentally affected by decisions that have already been made you would have better standing before the ombudsman, because the complaint needs to be in the public interest. The ombudsman can grant compensation, but usually it is at a lower level. Jerry Flynn has filed an ongoing complaint to the ombudsman on Southwark Council's failure to monitor its levels of affordable and social housing and its failure to achieve the required amount of social and affordable housing in new developments.

Brendan mentioned that the Council use a certain amount of power generated from SELCHP (South East London Combined Heat and Power). They want to build new district heating networks and are talking of spending £390 million on this. But it is hard to find out exactly how much carbon is emitted from SELCHP. Southwark Council import rubbish from

neighbouring boroughs to burn at SELCHP. Brendan asked the Council about its involvement with SELCHP at a Scrutiny Meeting. The Council say they want carbon neutrality, that SELCHP is very carbon intensive. We need to question the Council's commitments – they do not seem to be following them.

Jack suggested that Catherine answer questions in the chat after the meeting. These could be forwarded to her later. Jack said that he had set up an Eventbrite page for the training which he will send out. Jack also said he will make a poster that people can distribute.

Action: Catherine to examine the London Plan's approach to infill development.

Action: Catherine to investigate what role a community brief could play if a resident wanted to object to a planning application.

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SGTO Consultation Charter: discussions and amendments. Jack will go through the draft with the group

Jack explained how the consultation charter he had drafted emerged from the discussion had at the previous meeting around what residents expect for consultations on new homes. Jack mentioned how the SGTO could present this charter to the Council in order to lobby them to improve their consultation practices.

Jack talked through each of the Charter's current points (please see draft on the Google Drive: <https://drive.google.com/drive/folders/1BkmMWaPUTAKdh2YRc8epUC20rM47fk0I>).

Harp said that often, the Council conduct consultations on major works simultaneously to the new homes consultation on an estate. These could become interlinked – residents on the Kingston Estate have long demanded security gates to reduce anti-social behaviour. Now the Council are finally consulting on these, but as part of their new homes consultation. Residents have a right to security, and this should not be wrapped up in a consultation on new homes. The Council seem to be approaching consultation with a 'carrot and stick' mentality.

Jack indicated support for the idea of putting an item on this in the charter, and mentioned that on other estates, including the Gaywood Estate, the Council have promised improvement works on the condition that new homes be delivered.

Jennifer mentioned that even before consultation on rooftop and infill homes, the Council had decided that on the Clifton Estate, the ground floor would contain two extra wheelchair-friendly flats, rather than a new TRA Hall. Jennifer gathered signatures for a petition stating that if infill were to go ahead and residents give up their existing TRA hall and existing car parking spaces and garages, the Council should uphold their commitment that a new TRA Hall be created – the Council promised this although they did not put it in writing. The Council have claimed that the TRA does not function consistently and the TRA Hall remained empty. Jennifer said that the site of the two ground floor flats would make an ideal TRA Hall and complained that the Council had already made their minds up before the application goes to Planning Committee. This is not consultation.

Bill mentioned that at the last project group meeting, the Council wanted resident feedback on landscaping. The Council did not publicise what they intended to build but focused on the new play equipment that residents would get. Residents would view this positively as they want their child to be able to play, but they might be more likely to ignore the Council's proposed six storey block.

Jack mentioned how at previous meetings, people had highlighted how the Council presented architects plans that gave the impression that they had already decided on their approach from the start, potentially misleading residents.

Amanda said that Lindley had been scheduled for major works before the new homes consultation, but now these have been put on hold. Amanda suggested that perhaps the Council wanted to conduct major works at the same time as constructing new homes, so as to minimise the length of disruption. But it is not yet clear how major works and new homes will tie into each other.

Jack said that he could take points from this meeting and integrate them into the Charter.

Amanda said that resident project groups had not been provided with impact reports during the consultation period. These must be given out in advance and discussed with the group. The Council changed the site boundary line without resident consultation. The Council are in fact required to involve the project group in such changes. Residents should be made aware of what they can and cannot influence.

Tanya asked how we establish 'genuine resident consent'. She said that the only way you can establish this for certain is through a resident ballot – something that activists had fought for and won over demolition of estates.

Jack, Cris and Sam registered their support for resident ballots.

Cris asked Tanya whether the Council would be able to ignore objectors if (for example) 40% of residents vote against new homes and 60% vote for.

Tanya explained that the Greater London Authority (GLA) guidance says that decisions are made by simple majority. Whichever side gets 50% plus one vote wins. There is also not a minimum threshold for the number or proportion of votes required. There is also not clear guidance on who is allowed to vote – turning the voting rights of temporary tenants in such ballots into a thorny issue. A charter is about stating principles. The core principle should be that the wishes of the residents themselves must be the deciding factor in any new development on an estate.

Cris said this must be made clear as a core demand in the Charter. Cris asked whether we could present this Charter at the Deputation to Council Assembly on 24th November. She highlighted that if we do not do so, we would have to wait another Quarter to present it. Cris suggested that the Charter be presented to Councillors in addition to the delivery of the speech.

Brendan said he was concerned that the Council, if they don't get resident consent on an Estate, they would broaden the net (for example, consult residents of a Council ward) until consent is gained. He supported Tanya's view that consultation guidelines must be set out clearly.

Sam mentioned that we have Councillor Kieron Williams, on tape, saying that new homes developments would only go ahead if they had resident consent (even though he later backtracked on this). Sam wanted to know whether the Council had a policy on how many people they needed to consult with on an Estate.

Amanda said that the Council must send letters to all properties within 100 metres of the development site, informing people of the Council's plans and inviting them to contribute ideas to the Council. For Lindley and Bells Gardens Estates – a joint consultation took place to show residents what the development would look like. Only 14 people came, out of nearly 1,000 households. Amanda questioned how such a low turnout could count as fair consultation. Because of these complaints, the Council did undertake a door-knocking exercise, knocking on each door in Bells Gardens to gain approval.

Sam proposed that we send a Freedom of Information (FOI) request to the Council on this subject, because on the Lancaster Estate, which contains around 180 people, only 4 people showed up to a consultation meeting (one of which was Sam herself), yet the Council still came back to the TRA and reported this consultation meeting as a success. Sam wondered whether there was a piece of Government legislation that might explain how the Council are behaving.

Jennifer mentioned the Council's 363-page Constitution. It states who is responsible for different aspects of planning. It also mentions the Local Government Act. The Council have to comply with this act and planning acts, including that of 2008. The Council is tied by legislation which tells them who they should consult and how this should be done. The Constitution lists how consultation should be done and how the planning process is conducted. Jennifer mentioned that the Constitution is updated monthly and as the Council do not highlight changes, it is a mammoth task to see what changes from month to month. Government legislation describes how fair consultation should be done, but it takes a lot of research to identify the relevant aspects of law. Jennifer suggested that Harps may be able to help with this.

Harps mentioned that legislation does not mention a specific number of people required for consultation. Harps was interested to think about how we can counter the Council's claim that they try to consult people but people chose not to be involved. This is what they said about the Kingston Estate. Legislation states that the Council have to consult for 21 days and provide a consultation report.

Jack said he could try and help Harps identify specific aspects of the legislation relevant here.

Action: Jack to redraft Consultation Charter in accordance with points raised.

Action: Jack to find out if the Council have a minimum threshold (in terms of number or proportion of residents consulted) for consultation on estate new homes construction, either through an FOI request or other means.

Influencing planning committee. Clarifying how TRAs can oppose rooftop development at an advanced stage, and how the SGTO can support

Jack mentioned that we need to find a way of influencing planning committee at a later stage in the planning process. A lot of applications are going to planning committee between

December and March. Jack brought up the fact that Councillor O'Brien had mentioned the recall process, whereby two councillors can try and withdraw an application from planning committee – but they can only do so if they have a substantial reason based in planning policy. If they do not, they might be liable for costs. Jack suggested that we could get different TRAs on estates affected by rooftop development together, look through each individual planning application and compare it to the London Plan and New Southwark Plan. Then if the application does not fully comply with planning policy, we can take this to planning committee (via councillors) and use it as a case for recall.

Jennifer had asked Councillor O'Brien what would happen if residents produced a report that mirrored the findings of the Arup report, but was produced by a chartered engineer and had an accompanying letter saying that they supported the findings of the Arup report. This letter would say that the engineer had compared the architects' drawings and specifications, Webb Yates report, Potter Rapier report etc. to the Arup report. Jennifer asked whether this would halt the planning application. Damian said 'yes' to this, Jennifer said. Jennifer explained that he hadn't been in such a position before, but that this could stop the planning application. Damien still said this would be the case if the planning application was at a later stage. The Council are not doing any of the extra works that the Arup report says are necessary for rooftop homes. The Arup report shows that the lightweight steel bridging the Council were intending to use is not safe. The Council's solution puts too much weight on the buildings below. With a two-storey building, an exoskeleton is required, or the rooftop extension should not go ahead. We need a structural engineer, not a fire safety surveyor, to look into this. Jennifer contacted the Bureau of Investigative Journalism, but they didn't have any journalists for this story because they considered it small fry. Yet Jennifer was able to find a possible structural engineer that we could use.

Jack mentioned that those in the group can access the minutes from the previous meeting to see what Councillor O'Brien said. Jack asked whether those in the group would support the idea of examining applications for lack of planning policy compliance. Would people be interested in this?

Brendan O'Brien mentioned that the Tenant and Leaseholder Forums could push for funding for someone to work for SGTO to look into the details of planning applications. Brendan suggested we could approach the chairs of these forums, as this is a cross-borough, cross-tenure issue.

Harp said we could follow up on Stuart Davis's comments on Chilton Grove and Building Control in a letter. Councillors may not know what to ask – they need to be fed the specific concerns of residents. It would be good to pick out details of each application, although it might be difficult to do. It would be useful to clarify the support councillors can offer.

Jack mentioned the example of the Lancaster Estate, which is in an area with Liberal Democrat councillors, who may oppose infill or rooftop homes if we assume they take the same stance as Councillor O'Brien. Jack also mentioned Councillor Peter Babudu (Rye Lane Ward) who has been critical of proposals for the Clifton Estate. Jack said that while not all councillors would be supportive of our aims, it makes sense to use their support where we can.

Sam said that her councillors had been highly critical of infill and rooftop development plans. One of Sam's councillors, Maria Linforth-Hall (Vice Chair of the Planning Committee) has been told by Southwark Council's lawyers that she cannot comment publicly on any issues to

do with planning, as this would contravene the terms of her role as Vice Chair and as Councillor. Sam understands why this is being said, but this does take out a possible councillor who could otherwise support us. Although Sam was not sure whether this would mean Maria couldn't make objections within planning committee itself.

Harps said that this can't be right – Councillor Martin Seaton, Chair of Planning Committee, comments on planning applications. Harps suggested that perhaps the lawyers meant you couldn't say something that could cause a conflict that would lead to the developer appealing due to concerns over bias. Harps suggested that perhaps the Council just wanted Maria to fall in line.

Brendan mentioned that he is a Southwark resident but also a non-resident leaseholder as he has another property in the borough. Bart (also in attendance) is away in Australia but he is also a non-resident leaseholder for a flat in the Rockingham Estate. Southwark Council has always excluded non-resident leaseholders from discussions, but there are certain documents that non-resident leaseholders get to see that tenants do not. They get to ask certain questions that tenants cannot ask.

Sam said that she managed to get hold of the 1957 bore hole results for Lingfield and Gibbings Houses on the Lancaster Estate. Sam got a surveyor to translate these results into more accessible language. There is a possible issue with the bore holes on Lingfield House that might have an affect on the proposed building. We need to ask for the microfiches of the foundations to find out what is underneath the buildings. This sits with Building Control – they will have these. You may have to submit a freedom of information request.

Jennifer mentioned that ASL did bore hole surveying 15 yards away from the actual block on the Clifton Estate.

Cris mentioned that she would be attending the Scrutiny Committee on the 23rd November. It would be worth keeping an eye on the agenda for this meeting. Cris sought clarification from Brendan on his property ownership.

Brendan confirmed that he owned more than one Council property in Southwark.

Cris was not comfortable having Brendan involved in the New Homes Network due to this. She reiterated that he could not join a Future Steering Board due to his role as a landlord.

Brendan mentioned that he is still a Southwark resident and was involved in campaigning.

Tina Smith (Brayards Road) mentioned the Future of London Event – she came across John Smith from LHC, who works for Southwark regarding procurement. He was talking about how the Council identifies developers. He said he would be willing to come and do a presentation about his role.

Jennifer clarified that she is on a residents forum on procurement – they look at tendering contracts. This group's schedule has been delayed and the Council does not have money to train the residents. David Eyles also volunteered to be a part of this. Jennifer does have a lot of contacts from this.

Jack thanked everyone for coming.

Action: Sam said she would investigate the specifics of what the Councillor was told.

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