



Planning Committee B

Addendum Report title:

SKYLIGHT ROOFING CENTRES, MARTINS YARD, 198 DRAKEFELL ROAD, LONDON, SE4 2DS

Date: 09 November 2023

Key decision: No.

Class: Part 1

Ward(s) affected: Telegraph Hill

Contributors: Thomas Simnett

Outline and recommendations

This is an addendum to the planning committee agenda published 01 November 2023 in respect of Planning Committee B on 09 November 2023.

The application is still recommended for approval.

Application details

Application reference number(s): DC/23/133124

Application Date: 1 September 2023

Applicant: Ms Helen Spoor on behalf of Cornerstone

Proposal: An application for Prior Approval under Part 16, Schedule 2 of the General Permitted Development Order (2015) (as amended) for the proposed installation of a 22.5m tower supporting 6 no. antennas and 3 no. dishes, with 6 no. equipment cabinets, and ancillary development thereto including meter cabinet and 2.1m high palisade fenced enclosure at Skylight Roofing Centres, Martins Yard, 198 Drakefell Road SE4.

Background Papers: (1) Submission Drawings
(2) Submission technical reports and supporting documents
(3) Internal consultee responses

Designation: PTAL 3
Air Quality
Local Open Space Deficiency
Telegraph Hill Article 4(2) Direction
Telegraph Hill Conservation Area
Not a Listed Building

Screening: Not applicable

1 ADDENDUM

- 1 This addendum provides clarity regarding additional representations that were received post the agenda being published on 01 November 2023 by Beverley Morris & Co. solicitors (on behalf of individual objectors) and comments received by members of the public regarding the robustness of the consultation process.
- 2 The applicant also raised three clarification points regarding the committee report which will be clarified in this addendum report.

2 FURTHER REPRESENTATIONS

2.1 BEVERLEY MORRIS & CO. SOLICITORS

- 3 A letter was received from Beverley Morris & Co. solicitors dated 03 November 2023 following the publication of the agenda, this letter set out a number of matters: how the LPA can decide prior approval applications, the robustness of public consultation, assessment of the siting and appearance of the proposed development.
- 4 Officers are satisfied that this representation received raises no new points from that already set out in the committee report.

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- 5 A further letter was received which was dated on 07 November 2023 which raised concerns that the acknowledgement letter that was sent to them set out that public representations are not make accessible to members of the public on the Councils website.
- 6 The Council do not make representations received by members of the public accessible on the public access website for individual applications, this is due to the requirements of the General Data Protection Regulations (“GDPR”). The Council can upon request from a member of the public provide redacted copies of representations for inspection.
- 7 It should be noted that members of Planning Committee B have access to all representations received in their un-redacted format so that they can be considered when reaching a decision on this application.
- 8 The letter from 07 November 2023 also included an attachment with the local residents’ comments in relation to the committee report, these comments raised no new concerns and were largely rebuttals to paragraphs from the committee report.

2.2 OTHER REPRESENTATIONS

- 9 A further representation has been received, raising concerns that Drumbeat School and ASD Service and Oakhill Community Nursery were notified during the previous application (DC/22/125969) but were alleged to have been subsequently missed as part of the Council’s consultation process for the current prior approval application (DC/23/133312).
- 10 Officers have investigated this allegation and confirm that Drumbeat School and ASD Service were consulted alongside all other consultees and residents who were consulted as part of the previously withdrawn application (DC/22/125969). During these investigations it was also confirmed that Oakhill Community Nursery was not consulted on either application as it was determined not necessary as the school would neither be a consultee as required by statutory regulations or the Council’s adopted Statement of Community Involvement.
- 11 It should also be noted that para 86 of the Code of Practice for Wireless Network Development in England (March 2022) (“CoP”) sets out the requirements of pre-application consultation with schools and nurseries by the development. It states that:
- 12 *“In determining whether a school or college should be consulted, the following factors should be taken into account by operators and planning authorities:*
- *The proposed site is on school or college grounds;*
 - *The site is on a main access point used by pupils or students to the school or college;*
 - *The planning authority has requested consultation with the school or college; and,*
 - *The school or college has requested to be included in any consultation.”*
- 13 As none of the above apply with regards to Oakhill Community Nursery it was not a requirement for the developer to consult with them prior to submitting an application or a requirement of the Council to consult with them either.

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- 14 The representation also states that John Stainer Community Primary School had objected to the proposed development as part of this application (DC/23/133124), but their objection had not been acknowledged by the Council or detailed in the committee report.
- 15 Following investigation into this matter there is no record of the John Stainer Community Primary School having submitted an objection for this current application (DC/23/133124), Officers therefore consider the committee report is accurate in this regard.
- 16 Officers do note that the school had emailed Officers in January 2023 to discuss the previous application (DC/23/125969) to ask for more details of the proposal, the school were signposted to the relevant application webpage on the public access website and were invited to submit formal comments if they so wish. No representation was received after this communication with the school.
- 17 In addition, the Planning Service undertook consultation that was in excess of the minimum requirements with letters that were sent out to 369 homes and business in the surrounding area with information about the application and site notices displayed in multiple locations in the surrounding area.
- 18 As such Officers are firmly of the view that consultation was robust and carried out in accordance with all the minimum statutory requirements and the requirements of the Council's Statement of Community Involvement.

3 REPORT CLARIFICATIONS AND CORRECTIONS

3.1.1 CONDTIONS

- 19 It was brought to the attention of Officers on 07 November 2023 by the agent acting on behalf of Cornerstone that Part 16 of the General Permitted Development Order (2015) (as amended) ("GPDO") does not provide Local Planning Authorities ("LPA") with the ability to impose further planning conditions other than those that are clearly set out in the GPDO.
- 20 They also stated that regardless, Condition 1 is unnecessary, as where approval is granted under A.3(8)(a)(i) the developer is required to build in accordance with the submitted details unless otherwise agreed with the LPA. Also, the applicant set out that the supplementary information document, which would be an approved detail that the developer would be required to build in accordance with, states that the proposed mast would be grey.
- 21 For members clarity the committee report had included the following wording to Condition 1:
- Materials**
- (a) *The hereby approved mast when it is constructed shall be coloured sky-grey and shall be retained as such for the lifetime of the development.*
- (b) *The scheme shall be carried out in full accordance with those details, as approved.*
- Reason:** *To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and*

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detailing in accordance with Policies 15 and 16 of the Core Strategy (June 2011) and DM Policies 30 and 36 of the Development Management Local Plan (November 2014).

- 22 Following further legal advice, it was determined that the applicant was correct in their assertion and the GPDO does not provide Local Planning Authorities (“LPA”) with the ability to impose further planning conditions other than those that are clearly set out in the GPDO.
- 23 Officers are satisfied that Condition 1 is no longer required or legally enforceable and as such is removed from the recommendation before members tonight.

3.1.2 TIME LIMIT

- 24 Section 10.2 contains an error it incorrectly states that the five years prior approval period commences on the date the LPA received the application. However, it should have read that the 5-year period commences from the date prior approval is granted by the LPA as per Part 16 A.3(11) of the GPDO (2015) (as amended).

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