



Planning Committee: B

23 Lammas Green, London SE26 6LT

Date: 14 December 2023

Key decision: No.

See "[Legal Requirements](#)" in the guidance for more information.

Class: Part 1

See "[Legal Requirements](#)" in the guidance for more information.

Ward(s) affected: Forest Hill

Contributors: Jasmine Tranquille

Outline and recommendations

This report sets out the Officer's recommendation of approval for the listed building consent.

The report has been brought before the Committee for a decision due to the submission of 11 objections inclusive of two objections from amenity societies - The Sydenham Society and Forest Hill Society.

Application details

Application reference number(s): DC/23/133095

Application Date: 12 October 2023

Applicant: City of London Corporation

Proposal: Listed Building Consent for the alteration and partial demolition of existing boundary wall and the construction of new boundary wall adjacent to 23 Lammas Green SE26.

Background Papers: (1) Submission drawings
(2) Submission technical reports and documents
(3) Internal consultee responses
(4) Statutory consultee responses

Designation: Lammas Green Article 4 Direction
PTAL 1b
PTAL 2

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application relates to a wall at 23 Lammas Green, a two storey dwellinghouse which is part of wider collection of Grade II listed buildings within the wider City of London owned Sydenham Hill Estate.

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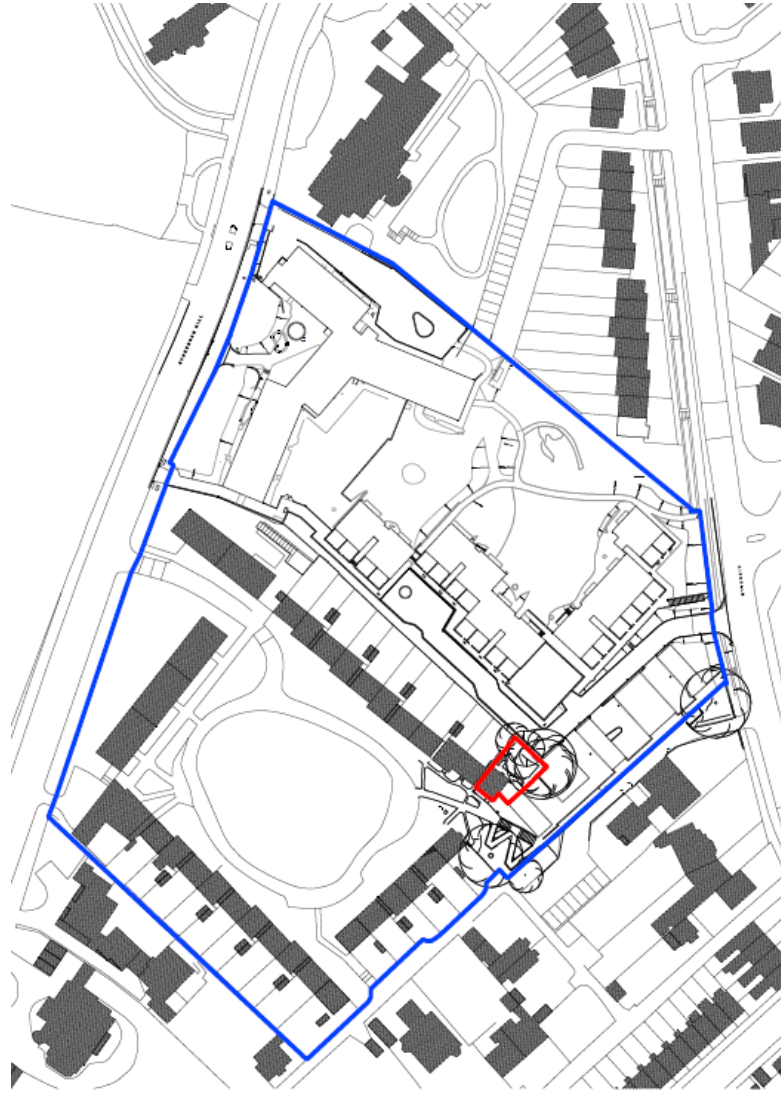


Figure 1: Site Location Plan

Character of area

- 2 The surrounding area is predominantly residential in character, comprising of terraced properties and blocks of flats.
- 3 To the east, on Otto Close are a row of two storey residential units. To the north and south, on Lammas Green are rows of two storey residential units. The centre of the Lammas Green estate includes a small green space.
- 4 Lammas Green is a private road accessed from Sydenham Hill Road.

Heritage/archaeology

- 5 Historic England describes the properties including 23 Lammas Green (Listing number: 1246890) as follows:

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- 6 *“Terrace of eleven houses. 1955-7 by Donald McMorrان of Farquharson and McMorrان, with Peter Nuttall as assistant, for the Corporation of the City of London. Brick construction, colourwashed, with pantiled roofs and brick stacks. The houses each of two storeys and each have three bedrooms. They are arranged in pairs, the composition based on pairs set forward and then back down the steep slope, comprising one more compact plan-type, with dining-kitchen and dormer windows, separated from a wider house by a round-arched entry. Metal windows with side-opening casements and toplights, those to Nos. 14, 15 and 21 renewed but retaining the pattern of the originals. Plank doors set within timber porches with pointed hoods reflecting the style of the dormers.*
- 7 *INTERIORS: Living rooms with picture rails. Staircases with timber balustrades. Many fitted cupboards, particularly to the upper floors. Kitchen and bathroom fittings not of special interest. Donald McMorrان is slowly becoming recognised as one of the most significant architects to work in a traditional style in the 1950s. What makes him stand out from other traditionalists was his willingness to tackle progressive building types like public housing and schools while sticking to the old values of composition, proportion and texture. This puts him closer to Giles Scott than to architects like Raymond Erith. He also owed much to Vincent Harris, for whom he worked between 1927 and 1935. This is the smallest but finest of four housing schemes by McMorrان, two of them for the City Corporation. The composition of three terraces set round a village green, with views of the North Downs is made the more idyllic by the position of the two blocks of flats as a buffer to the road behind. The density is 57 dwellings per acre, less than the permissible seventy 'so as to establish conditions under which a community with its own continuity and life might be able to flourish'. The contrast of the flats, notable for their fine brickwork and traditional proportions, with colourwashed cottages is particularly distinguished. The form of the colourwashed terraces set in pairs owes something to the work of Tayler and Green, translated to an urban setting.”*
- 8 The site is within Sydenham Hill Conservation Area and is subject to an Article 4 Direction. The Direction removes certain permitted development rights from unlisted single family dwellinghouses. The classes of development removed from permitted development include windows, doors, roofs, porches, satellite dishes and painting of exteriors.
- 9 A portion of Lammas Green is located within an Area of Special Character; however, the subject site is not included within this.

Surrounding area

- 10 The Dulwich Woods Conservation Area lies on the opposite side of Sydenham Hill within the London Borough of Southwark.

Local environment

- 11 The site falls within Flood Risk Zone 1.

Transport

- 12 The site has a Public Transport Accessibility Level (PTAL) score of 1b/2 on a scale of 1-6b, 1 being the lowest and 6b the highest.

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2 RELEVANT PLANNING HISTORY

- 13 **DC/20/116172** - Listed Building Consent for the alteration and partial demolition of existing boundary wall, and erection of new boundary wall adjacent to 23 Lammas Green, SE26 – **Granted 10th July 2020**
- 14 **DC/20/119631**: The installation of replacement double glazed windows and the repair and refurbishment of the timber windows on the Community Centre, together with replacement windows to No.'s 13, 17, 20, 23, 25, 28, 29, 31, 32 Lammas Green SE26. **Granted 28 April 2021**
- 15 **DC/20/119631**: Listed Building Consent for the installation of replacement double glazed windows and the repair and refurbishment of the timber windows on the Community Centre, together with replacement windows to No.'s 13, 17, 20, 23, 25, 28, 29, 31, 32 Lammas Green SE26. **Granted 28 April 2021**
- 16 **DC/20/115160** - 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. **Granted 18 August 2021**
- 17 Following initial approval of the application on 20 November 2020, the original permission was subject to judicial review and quashed by Lang J on 18 May 2021. The application was subsequently heard again at a committee meeting on 29 June 2021 and the Committee resolved to grant the application for planning permission. Planning permission was formally granted on 18 August 2021 and was subsequently subject to a further judicial review by Fordham J who handed down his judgement that the claim failed on 11 July 2022. The Court of Appeal refused permission to appeal on 8 September 2022.
- 18 **DC/23/129872** - A non-material amendment to the planning permission DC/20/115160 to amend the bicycle condition to remove the repeated condition and change the time period for submission of the full details of bicycle facilities. **Granted 15 February 2023**
- 19 **DC/23/130999**: An application submitted under Section 96a of the Town & Country Planning Act 1990 for a non-material amendment in connection with the planning permission DC/20/115160 dated 18 August 2022 in order to amend the wording of Condition (36) for Land at Sydenham Hill Estate, Sydenham Hill, SE26. **Granted 18 April 2023**
- 20 **DC/23/131499**: An application submitted under Section 96a of the Town & Country Planning Act 1990 for a non-material amendment in connection with the planning permission DC/20/115160 dated 18 August 2022 in order to amend the wording of Condition (3), (4), (5), (13), (14), (17), (18), (19), (20), (35), and (36) for Land at Sydenham Hill Estate, Sydenham Hill, SE26. **Granted 6 July 2023**
- 21 **DC/23/131553**: The installation of external fans and vents to the kitchens, bathrooms and WCs of the properties at 13, 17, 20, 23, 25, 28, 29, 31, 32 Lammas Green SE26. **Granted 24 August 2023**

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22 **DC/23/131664:** Listed Building Consent for the installation of external fans and vents to the kitchens, bathrooms and WCs of the properties at 13, 17, 20, 23, 25, 28, 29, 31, 32 Lammas Green SE26. **Granted 24 August 2023**

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

Background

23 An application for planning permission has been approved in relation to a major residential development (DC/20/115160) on the Sydenham Hill Estate. This is currently being constructed. The works to the wall at 23 Lammas Green were also included within the scope of this planning application and the planning assessment of the proposals were included within the wider assessment of the major residential application. This application has been considered independently from that scheme to assess whether the works are acceptable in isolation.

24 Concurrent to the above main planning application, an application for listed building consent under ref. DC/20/116172 for the alteration and partial demolition of existing boundary wall, and erection of new boundary wall adjacent to 23 Lammas Green was granted on 10th July 2020. Condition 1 (time limit) attached to the decision required the development to be implemented within 3 years of the date of decision. Currently, the 2020 listed building consent has lapsed as no works pertaining to the consent have been implemented.

Scope of application

25 Listed Building Consent is sought for:

- the alteration and partial demolition of existing boundary wall; and
- the construction of new boundary wall adjacent to 23 Lammas Green SE26.

26 It should be noted that this scheme is almost identical to the previously approved scheme DC/20/116172.

27 Council's Conservation Officer has request changes during the course of the application this includes the removal of the short nib and introduction of a new gate to the rear of the path at 23 Lammas Green.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

28 No pre-application advice was sought for this application.

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4.2 APPLICATION PUBLICITY

- 29 Two site notices were displayed near the site on 17 October 2023 and a press notice was published in the News Shopper on 18 October 2023.
- 30 Letters were sent to residents and businesses in the surrounding area and the relevant Ward Councillors on 16 October 2023.
- 31 11 responses have been received, comprising 11 objections. This includes objections received from The Sydenham Society, Forest Hill Society and Bell Green Neighbourhood Forum.
- 32 As we had received over 10 objections to this scheme, this triggers the need for the application to be determined by the Committee.

4.2.1 Society comments in objection

Comment	Para where addressed
Lack of consultation to the wider community. The objection noted that only one notice was displayed, only the next door neighbour was consulted and Sydenham Society was not consulted.	Five letters were sent out to neighbouring properties and two public notices were put up around the site. Historic England, Sydenham Society, Forest Hill Society and Bell Green Neighbourhood Forum were all consulted on this application.
The Heritage Statement does not take into account that the scheme would interrupt the village green feel of Lammas Green.	The Heritage Statement as well as the Council's Conservation Officer have considered the listing of Lammas Green.
The new build would be visible with a different colour brickwork and would appear jarring to Lammas Green.	The final material specification is to be confirmed and has been conditioned as part of this application. This information would be submitted to the local planning authority for approval.
The garden at 23 Lammas Green would be the smallest on the Green.	para 74
The houses on Lammas Green have shallow foundations and the impact of sheet piling could be significant. There are noise and vibration concerns.	These matters have been assessed under planning permission DC/20/115160.
There are outstanding complaints regarding damage to homes from demolition works on Mais House development.	This matter is outside the scope of this application. The Planning Service understand that this is being reviewed by the City of London
The scheme is on a geological junction and springline which has previously had landslides.	These matters are covered under condition 32 (Land Stability Assessment) on the planning permission DC/20/115160.
The proposal shows very steep stepped access between Lammas Green and Otto Close with a detour for disabled access.	The proposal seeks to re-locate the existing footpath from the rear of the

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The path should connect to the ancient footpath/right of way.	removed garages to the front of the approved terraces.
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4.2.2 Comments in objection

Comment	Para where addressed
Lack of consultation with local residents, the estate, amenity groups and Historic England.	Letters were sent out to residents and two public notices were put up around the site. Historic England, Sydenham Society, Forest Hill Society and Bell Green Neighbourhood Forum were all consulted on this application.
Lammas Green Article 4 Direction is not publicly available.	The Lammas Green Article 4 Direction is available on Lewisham Council's website.
The design of the new build would be taller and have different colour brickwork.	para 56
Structural integrity of the terrace is under threat as it is built on a geological junction and springline. The site is close to known land slippage events.	These matters are covered under condition 32 (Land Stability Assessment) on the planning permission DC/20/115160.
Unclear plans in terms of demolition plan legend and steps to be removed not showing a replacement. Photographs are dated 2020 and include buildings etc that are no longer there.	This application is a re-submission of DC/20/116172 which had been approved in 2020.
The scheme would result in flooding for neighbouring properties downhill such as Locally Listed Ash Tree Cottage.	The site is located in Flood Zone 1 which indicates there is a low probability of flooding. Flood Risk was considered in the approved planning application DC/20/115160.
The scheme is not accessible and does not meet the standards as it is steep, has no handrail and is a long detour.	These matters were taken into consideration as part of the original planning permission DC/20/115160. Condition 5 (Hard Landscaping) of this permission was secured to address this matter
Lack of privacy, daylight and sunlight to 23 Lammas green and proposed Otto Close terraces.	These matters were taken into consideration as part of the original planning permission DC/20/115160.
The existing garden for 23 Lammas Green would be smaller and the proposed planter is out of character with houses at Lammas Green	para 74
Impact of pile driving on the Lammas Green terraces. The foundations are quite	These matters have been assessed and relevant conditions have been added to under planning permission DC/20/115160.

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shallow and the proposed retaining wall is located close to houses.	
The footpath is a public right of way and survey has not been undertaken to monitor usage.	The application does not propose removal of the right of way.
A planning application is not sufficient to close a public footpath or right of way. A stopping up order would be required. A planning notice has never been displayed at the entrance to the footpath at Kirkdale for pedestrians.	The proposal seeks to re-locate the existing footpath from the rear of the removed garages to the front of the approved terraces. Two planning notices have been displayed in the vicinity of 23 Lammas Green.
The proposed right of way would be unsafe as it is proposed to be a shared space and a flush kerb is proposed. Pedestrians could be forced on the road by delivery and service vehicles, wheelie bins and other street furniture. There is a potential for an increase in crime.	These matters were taken into consideration as part of the original planning permission DC/20/115160. Condition 13 (Secured by Design) was secured to address crime specifically.
The Otto Close row of terraces would require destruction of the historic boundary wall and right of way.	The garden wall is not original and is a contemporary part of the estate.
It would require the removal of a historic stone Bridge House Trust boundary marker and swan-necked gas lamp standards which had originally lit the Mais House carriage drive.	The Boundary Marker is still in place and a condition was DC/20/115160 was added requiring its protection. A site visit had been undertaken and the boundary marker has been protected and boxed in timber. The swan-necked gas lamps are located outside the application's site boundary. Therefore, is not within the remit of this application. The Council's Conservation Officer has confirmed that this cannot be considered.

33

A number of other comments were also raised as follows:

- Objections were raised to the Mais House/Otto Close development including clash with Lammas Green, lack of alternative layouts being considered and accessibility. It also raised that Sydenham Hill Ridge line would be damaged.
- Concerns with vibration and complaints from the demolition works of Mais House have been raised.
- Mais House negatively impacts the existing skyline, ecology, residents and is out of scale.
- Impact on heritage by way of the loss of village green feel of Lammas Green. The relocation of the wall is proposed to allow for the new building which is quite

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visible. Objections suggested setting back the last townhouses or omitting them completely.

- The view across Lammas Green would be blocked by the new Otto Close terraces.

34 Officer Comment: The above points are all in relation to the Mais House/Otto Close redevelopment approved under DC/20/115160. These matters do not fall within the scope of this application. This application is solely for Listed Building Consent in relation to the alteration and partial demolition of the boundary wall.

- Trees have been felled which were meant to be retained at the rear of 21-23 Lammas Green which further exacerbates the loss of green outlook and privacy. These are yet to be replaced.

35 Officer Comment: This a matter of management for the landowner and does not fall within the scope of this application.

- No consultation took place, nor no amenity societies were consulted on LBC Application DC/20/116172.
- The press notice for DC/20/116172 was published in the Bromley paper.
- Lewisham Council's website did not relate DC/20/116172 to DC/20/115160.
- Residents did not get an opportunity to comment on the previous LBC due to the notice not being displayed by the Applicant.

36 Officers Comment: This does not fall within the scope of this application. Consultation was undertaken as part of DC/20/116172 this is detailed in the relevant delegated report.

4.3 INTERNAL CONSULTATION

37 The following internal consultees were notified on 12 October 2023.

38 Conservation: raised no objections to the revised scheme subject to the imposition of conditions. See considerations section below.

4.4 EXTERNAL CONSULTATION

39 The following External Consultees were notified on 12 October 2023

40 Historic England: were consulted and advised that this application does not need to be referred to the Secretary of State for determination. No other comments were provided.

5 POLICY CONTEXT

5.1 LEGISLATION

41 Planning (Listed Buildings and Conservation Areas) Act 1990: S.16 and S.66 gives the LPA special duties in respect of heritage assets.

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42 Sections 7 & 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that any works for the demolition of a listed building or for its alteration, or extension in any manner which would affect its character as a building of special architectural or historic interest must be authorised in writing by the LPA or Secretary of State prior to commencing. This authorisation is known as Listed Building Consent.

43 Section 17 of the Act gives power to the LPA or Secretary of State to impose conditions on a listed building consent for the preservation of particular features of the building, the making good of any damage caused to the building by the works, the reconstruction of the building or any part of it following the execution of any works, with the use of original materials as far as practicable, and the approval of details.

5.2 MATERIAL CONSIDERATIONS

44 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

45 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

46 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to aforementioned directions and the test of reasonableness.

5.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2023 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

5.4 DEVELOPMENT PLAN

47 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

48 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

49 London Plan SPG/SPD:

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- Character and Context (June 2014)

5.6 OTHER MATERIAL DOCUMENTS

- Historic England Good Practice Advice Notes
- Historic England Advice and Guidance
- Historic England Designation Selection Guides

6 LISTED BUILDING CONSENT PLANNING CONSIDERATIONS

Policy

- 50 NPPF Paragraph 199 sets out that great weight should be given to the conservation of a designated heritage asset.
- 51 Paragraphs 200-201 of Chapter 16 of the NPPF set out how LPAs should approach the determination of applications that would comprise substantial harm to designated heritage assets.
- 52 Paragraph 202 requires that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal, including heritage benefits such as securing its optimum viable use.
- 53 Paragraph 206 states that Local planning authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 54 LPP HC1, CSP 16 and DMP 36 echoes the national direction regarding heritage assets.

Discussion

Significance

- 55 The building forms part of a 20th century well-designed terrace of cottages which faces on to the north-east side of Lammas Green, part of the 1960s McMorran and Farquharson development. Listed at grade II. Its significance lies in its contribution to the wider Lammas Green estate, which elevates its relatively modest architecture, detailing and materials by placing it within a well-composed and planned whole. The key parts of its setting comprise the Green and other listed blocks around it.
- 56 The boundary wall does not appear to represent part of the original layout contrary to the Heritage Statement and DC/20/116172. The garden wall was in a different position prior to the construction of Otto Close and the garages. This indicates that the garden of 23 Lammas Green had been extended at some point prior to this. The north east-south-westerly (yellow brick) stretch appears to have been constructed when the garage court was excavated and is not related to the original development. The north-west/south-east (multi brick) stretch which adjoins 23 Lammas Green is more closely related to brickwork

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found elsewhere on the estate. Council's Conservation Officer considers this to be a modest garden wall.

- 57 The Council's Conservation Officer considers that the current wall adjoining 23 Lammas Green is a sensitive replacement of an earlier garden wall which was part of the original development but was removed when the garage court was excavated. The north-west/south-west (multi-brick) stretch is non-original therefore it holds minimal if any evidential or physical value.
- 58 The Council's Conservation Officer disagrees with the Applicant's assessment where they consider the wall is an original feature. However, the Council's Conservation Officer agrees with the applicant's assessment that: the boundary wall, as a plain and functional part of Lammas Green Estate, makes a positive but minor contribution to the significance of the Grade II listed group of No.13-23 to which it is attached.
- 59 The Council's Conservation Officer notes that Lammas Green is subject to an Article 4 Direction. However, this was enlisted prior to the estate being statutory listed. The statutory listing controls surpass the level of control required by the Article 4 Direction and therefore is no longer a relevant consideration of these works.

Proposed works and impact

- 60 The proposal is a re-submission of the previous listed building consent DC/20/116172. The proposed works to the wall have already gained planning consent under application reference number DC/20/115160. The Council's Conservation Officer's previous advice on DC/20/116172 had considered the proposal would result in the loss of the original boundary wall. This advice had been provided during the pandemic when it was not possible to undertake a site visit. The Council's Conservation Officer was now able to go onsite and view the wall in person resulting in a more informed consultation response.
- 61 The proposal would result in the partial loss of the boundary wall; however, Council's Conservation Officer has confirmed that this is not the original wall. Despite this, the boundary wall is connected to 23 Lammas Green which is Grade II listed, and it can be concluded that the listing extends to it by virtue of attachment.
- 62 A new retaining wall would be constructed closer to the flank elevation of no.23, as part of the new steps down to Otto Close to replace the partial loss of the existing boundary wall. This would not need listed building consent as it does not comprise works to a listed building (although it would fall within the curtilage of the listed building it would not be affecting a curtilage structure). These works have been considered under the planning application reference number DC/20/115160 as referenced above.
- 63 The Council's Conservation Officer has conducted a re-assessment of the wall and considers that it is not contemporary with the listed buildings therefore re-use of the brickwork is less important. However, the selection of brick, bond, pointing mix, method and coping is of importance has been recommend as a condition. The Applicant agreed to the condition regarding the material and mortar details.
- 64 The Council's Conservation Officer requested clarification regarding the mapping of the original position of the boundary wall, how access to the rear garden is provided/secured to avoid the need for a raised gate/wall and material of the gate by 23 Lammas Green. They also requested further investigation into the retention of the short nib of the wall where it adjoins no.23 Lammas Green and suggest removal in its entirety would be preferable.

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- 65 The Applicant provided a revised Heritage Statement which included investigation into the short nib of the wall and suggested removal. Revised plans showing this were later provided as suggested in the revised Heritage Statement.
- 66 The Council's Conservation Officer reiterated their comments on the confirmation of original boundary wall position, security of the proposed wall and material of the low side gate.
- 67 The Applicant responded and provided a revised plan in the Heritage Statement confirming the original location of the boundary wall. The Applicant confirmed the gate would be timber and advised that Article 4 direction is in place and if the resident wishes to make any changes to the wall/gate this would require planning permission.
- 68 The Council's Conservation Officer considered the responses and noted the revised plans had been submitted to show the short nib (referenced above) to removed, this was supported.
- 69 The Council's Conservation Officer suggested omitting the low front gate and proposing a tall gate at the entrance of the garden at the rear of the side alley. This would be consistent with the original arrangement of access that was set at the end of the shared tunnels. Details of a taller gate were requested to be provided to demonstrate that appropriate security to the new rear garden could be achieved.
- 70 The Applicant responded and provided revised plans to show a 1.1m gate at the front of the path to indicate a private path. In addition to the 1.8m gate at the rear of the path between the building rear corner and boundary retaining wall. The applicant indicated that they wished to retain a shorter 1.1m high gate in this location to prevent people accidentally navigating down the dead-end alleyway at the side of the house.
- 71 The Council's Conservation Officer considered this to be acceptable with appropriate security to the new rear garden achieved.
- 72 The LBC works would facilitate the provision of the 11 affordable 4 bed family terraced houses on Otto Close subject to the approved planning application (DC/20/115160) which is currently being implemented. As considered under the planning application, the changes to the wall and associated relocation of the existing footpath to the rear of the removed garages to the front of the proposed terrace, which form part of the main site planning proposals, would improve user safety of the footpath by improving natural surveillance and visibility as would become street facing.
- 73 The Council's Conservation Officer considers the scheme would result in no harm to the special interest of 23 Lammas Green nor the wider listed group, subject to the construction of the proposed boundary wall which closely matches the existing boundary walls in the estate. The proposal would enable the provision of new (affordable) dwellings on the adjoin part of the estate.
- 74 It is noted that the proposals would result in a minor decrease in the scale of the rear and side amenity at 23 Lammas Green. The impacts of this reduction have been fully considered in the DC/20/115160. It is noted however that a substantial amenity space would remain.

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7 EQUALITIES CONSIDERATIONS

75 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

76 In summary, the Council must, in the exercise of its function, 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 persons who do not share it.

77 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

78 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: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

79 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

80 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

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81 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

8 HUMAN RIGHTS IMPLICATIONS

82 In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

83 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

84 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

85 This application has the legitimate aim of providing a new boundary wall. The rights potentially engaged by this application, including Article 8 and Protocol 1, Article 1 are not considered to be unlawfully interfered with by this proposal.

9 CONCLUSION

86 This application has been considered in the light of policies set out in the development plan and other material considerations.

87 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, consider that the development would result in no harm to the setting and significance of the listed building.

88 Officers conclude that the scheme would result in no harm to the special interest of host listed 23 Lammas Green, and the wider listed group.

89 The proposal is considered acceptable subject to the imposition of the recommended conditions.

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10 RECOMMENDATION

90 That the Committee resolve to **GRANT** the listed building consent subject to the following conditions and informatives:

10.1 CONDITIONS

1) LISTED BUILDING CONSENT PERMISSION TIME LIMIT

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) DEVELOP IN ACCORDANCE WITH APPROVED PLANS

The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

TS067-1-DM-01;
TS067-1-DM-04 REV 00;
TS067-1-DM-05 REV 00; (received 4 October 2023)

Heritage Statement (received 8 November 2023)

TS067-1-DM-02 REV 01;
TS067-1-DM-03 REV 01;
TS067-2-DM-01 REV 01 (received 15 November 2023)

TS067-2-GA-05 REV 02;
TS067-1-GA-10 REV 03;
TS067-2-GA-12 REV 02 (received 22 November 2023)

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

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3) MATERIAL SPECIFICATION

Prior to commencement of construction of the wall hereby approved, a brick specification and sample panel of new brickwork to show face bond, mortar mix & pointing profile and coping method to be used on the construction of the new wall to be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details and maintained for the lifetime of the development.

Reason: To ensure that the local planning authority may be satisfied that the works would preserve the significance of the listed structure in accordance with the relevant paragraphs of the NPPF (2023), Policy 16 of the Lewisham Core Strategy (2011) and Policy DM36 of the Lewisham Development Management Local Plan (2014).

10.2 INFORMATIVES

1) POSITIVE AND PROACTIVE STATEMENT

The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.

2) SCOPE OF APPLICATION

The Applicant is advised that this application relates solely to Listed Building Consent for the demolition and reconstruction of the boundary wall at 23 Lammas Green. An amendment to planning permission DC/20/115160 would be required to cover the changes under this Listed Building Consent.

3) LISTED BUILDING CONSENT WORKS

The Applicant is advised any works granted until this Listed Building Consent should only be carried out once planning permission has been obtained for the amendment to planning permission DC/20/115160.

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11 BACKGROUND PAPERS

- 91 Submission drawings
- 92 Submission technical reports and documents
- 93 Internal consultee responses
- 94 Statutory consultee responses

12 REPORT AUTHOR AND CONTACT

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