

Committee	PLANNING COMMITTEE A	
Report Title	Willow Tree Riding Establishment, Ronver Road, SE12 0NL	
Ward	Grove Park	
Contributors	Georgia McBirney	
Class	PART 1	27 FEBRUARY 2020

Reg. Nos. (A) DC/19/111719

Application dated 25.04.19 as revised on 09.05.19, 22.07.19, 06.08.19, 18.09.19 and 03.10.19

Applicant PWA Planning on behalf of Austringer Estates Ltd

Proposal Demolition of the existing stables and the construction of new equestrian facilities to include stalls, a barn shelter, tack building, reception/office, and a perimeter track for riding, at Willow Tree Riding Establishment, Ronver Road, SE12, together with the use of the existing access onto Ronver Road and associated works

Background Papers

- (1) Case File LE/633/B/TP
- (2) Local Development Framework Documents
- (3) The London Plan

Designation

- Metropolitan Open Land
- Local Open Space Deficiency
- Green Corridor
- Grove Park Neighbourhood Forum
- Urban Green Space
- Site of Nature Conservation Importance
- PTAL 2
- Tree Preservation Order

1 SUMMARY

- 1 This report sets out the Officer's recommendation for the above proposal. The report has been brought before members for a decision as the Council's Head of Planning is of the opinion the matter would be more appropriately dealt with by committee.

2 SITE AND CONTEXT

Site description and current use

- 2 The application site is a roughly rectangular plot of land orientated in northwest to southeast direction and running parallel to the Hither Green railway sidings, which lie to the west. The site has an approximate area of 5.6 hectares with an overall length of 640 metres and an average width of 90 metres.
- 3 To the north of the site are allotments and beyond them are rear gardens of houses on St Mildred's Road; to the south is an area of land with wetlands and tree coverage and beyond that a car park catering for users of the railway sidings.
- 4 To the north east of the site are the rear gardens of the houses of Rayford Avenue and to the east are the gardens of the houses on Ronver Road. To the southeast is Northbrook Park and to the west are the railway sidings.
- 5 The site is designated as Metropolitan Open Land (MOL) and a Site of Importance for Nature Conservation (SINC). The site is also designated Urban Green Space and is in a Green Corridor. A Tree Preservation Order (No 2012/04/I) was made on the whole site in February 2012 and was confirmed in August 2012. The TPO is attached as **Appendix 1**.
- 6 The central section of the site, an area of approximately 2 hectares, was formerly occupied by the Willowtree Riding Establishment (WRE), a community organisation. The access gate to the riding establishment is via Ronver Road, which leads to an area of hardstanding to the north of which are three paddocks and a small stable block.
- 7 To the south of the area of hardstanding is the main cluster of single-storey buildings, comprising stables for the most part, beyond which are two more paddock areas with a large barn. The majority of the existing structures upon the site appear to be in poor condition, many being of a makeshift appearance.
- 8 To the north, south and west of the WRE land within the site lies dense scrub, tall herbaceous and ruderal vegetation, scattered trees and woodlands, with occasional standing water and seasonally wet areas. A considerable area in the northern part of the site which was formally used as allotment gardens now supports a number of mature fruit trees growing wild.

Character of area

- 9 The surrounding area is predominately residential comprised of two storey terraced, semi-detached and detached properties.

Heritage/archaeology

- 10 The application site is not located in a conservation area. It does not contain any listed buildings, nor are there any listed buildings in the vicinity.

Transport

- 11 The site has a PTAL rating of 2, based on a scale of 0-6b, with 0 being the worse and 6b being the best.
- 12 There are a number of bus routes in close proximity to the site (routes: 160, 202) which can be accessed from bus stops on the South Circular which are approximately 350m from the site access on Ronver Road.
- 13 Lee Station is the closest rail station to the application site and is approximately 700m from the site.

3 Grove Park Neighbourhood Forum

- 14 The site lies within the Grove Park Neighbourhood Forum area. A Neighbourhood Forum is a body that organises the production of a Neighbourhood Plan in the neighbourhood planning process. A draft Neighbourhood Plan (NP) for Grove Park was submitted to Lewisham and was subject to 'Regulation 16' consultation which concluded on 10th January 2020. This means the Council asked the local community for their view on the draft NP during consultation.
- 15 The next step will be an independent examination, and if the NP is found sound then a public referendum will occur on the plan. If the plan passes the referendum, the plan will become a statutory planning document.
- 16 Given its progression in the neighbourhood planning process, the draft NP currently carries no weight in coming to decision on the current application. The following draft NP designations are provided for Committee's reference.
- Grove Park NP identifies the site in Strategic Aim 8 (Deliver Connected Nature Areas and an Urban National Park). This seeks to realise the vision for the 'Railway Children Urban National Park'. Strategic Aim 8 also states that conditions should be improved for wildlife to flourish through habitat restoration and enhancement throughout Grove Park's greenspace network.
 - Policy G11 (Protection and Enhancement of Grove Park's Green Spaces) states that sites of importance for nature conservation shall be designated as tranquil spaces/ quiet areas; development will not be permitted in the vicinity which would result in increased noise levels that would adversely impact these spaces.

4 RELEVANT PLANNING HISTORY

- 17 **DC/13/083518:** The construction of a block of 4 private stables, creation of 3 additional paddocks and improvements to the existing paddocks at

Land R/O Rayford Avenue & Ronver Road & St Mildred's Road SE12, together with associated landscaping works (including the removal of some trees).

- 18 Application DC/13/083518 was appealed (APP/C5690/A/13/2205776 – **Appendix 2**) on grounds of non-determination prior to the Council making a decision on the application. During the appeal, the Council confirmed to the Planning Inspectorate that if still in a position to do so; planning permission would have been refused.
- 19 The Planning Inspectorate dismissed the appeal due to the harm that the scheme could potentially cause to biodiversity in the local area. It should be noted that APP/C5690/A/13/2205776 concluded that the 2013 proposal was unlikely to have a material detrimental effect on the living conditions of neighbouring residents.

5 ENVIRONMENTAL IMPACT ASSESSMENT

- 20 A Screening Direction was issued by the Secretary of State on 23 October 2014 following appeal APP/C5690/A/13/2205776. This Direction concluded the appeal development was not 'EIA' development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 21 The current application was not accompanied by an Environmental Statement and is judged to be a materially different scheme for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The Local Planning Authority has therefore undertaken a screening exercise in accordance with Regulation 8 of the 2017 Regulations.
- 22 The proposal is judged to be a Schedule 2 development described as an Urban Development Project pursuant to Schedule 10B to the 2017 Regulations meeting the exclusion threshold based on a site size exceeding 5 Hectares.
- 23 The Local Planning Authority adopts a Screening Opinion under Regulation 8 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the Regulations) that an Environmental Statement is not required. This Screening Opinion has been placed in the planning register.

6 CURRENT PLANNING APPLICATION

6.1 THE PROPOSALS

- 24 The current planning is for the demolition of the existing stables and the construction of new equestrian facilities to include stalls, a barn shelter, tack building, reception/office, and a perimeter track for riding, together

with the use of the existing access onto Ronver Road and associated works.

- 25 As identified in appeal decision APP/C5690/A/13/2205776, the equestrian use is currently restricted to an area of approximately 2 hectares. It is proposed as part of this application for the whole site to be in use as an equestrian centre.

Buildings

- 26 It should be noted that the applicants have provided the measurements of the existing and proposed buildings in cubic metres; officers have detailed the footprints of the buildings in metres squared.
- 27 All of the existing buildings on the site are proposed to be demolished except the large barn building to the south of the site which is to be retained. The large barn to the south of the site has an area 651.95m² and has a maximum height of 6.78m. The buildings which are proposed to be demolished have an approximate floor area of 1137.3m² and are detailed in Table 1.

Building	Footprint (M²)	Maximum Height
Stable Block 1	97.44m ²	2.88m
Stable Block 2	47.36m ²	2.40m
Stable Block 3	46.8m ²	2.85m
Shed Building 1	48.47m ²	3.58m
Small Shed Building	8.42m ²	2.57m
Shed Building 2	23.46m ²	2.10m
North Stable Block 1	197.65m ²	2.35m
North Stable Block 2	85.40m ²	2.45m
Main Stable Block	582.20m ²	3.70m

Table 1 Existing buildings to be demolished

- 28 The proposed buildings are detailed in Table 2.

Building	M²	Maximum Height
Stalls 01	87.26m ²	3.55m
Stall 02	58.35m ²	3.55m
Barn Shelter	270.9m ²	4.19m
Reception/ Office	69.98m ²	3.74m ²
Tack Building and Stores	107.16m ²	3.52m

Table 2 Proposed Buildings

29 The proposed buildings would have a floor area of 593.65m². Including the large barn to the south of the site which is being retained the floor area of buildings on the site would be 1245.6m². The existing buildings on the site (including those proposed to be demolished and retained) have an approximate floor area of 1789.25m². The proposed development would have an approximate reduction in floor area of buildings of 243.65m².

30 The submitted Planning, Design and Access Statement details that the all of the proposed buildings would be timber clad. A picnic area is proposed to the side of the proposed barn shelter. No information has been provided in regards to the proposed picnic area.

31 A sub-station is illustrated behind the reception/office building and to the side of Stalls 02. No information has been provided in regards to the sub-stations.

Track

32 A riding track way for horses is proposed around the perimeter of the site. The track would incorporate three feeding stations. Limited information has been provided in regards to the proposed surfacing material of the track.

33 The minimum separation distance from the track to the site boundary is 2.5m along the north eastern site boundary, adjoining the rear of properties on Rayford Avenue.

Car Parking

34 The existing hardstanding area inside the access gates on Ronver Road has an approximate are of 502m². This hardstanding area has been used for informal car parking as bays are not marked out. It is proposed for the hardstanidng area to be replaced by an enlarged and formally delineated area of hardstanding. The proposed area of hardstanding would have an approximate area of 702m² and provide 19 car parking spaces.

35 The submitted Planning, Design and Access Statement states that the hardstanding will be a porous asphalt surface such as UltiDrive Porous.

Trees and Landscaping

36 From the initial and additional information that has been provided it is unclear which trees are being retained, removed or felled. The applicant has provided some further information as part of the application process, as set out below.

37 The applicants provided a revised landscape plan, revised landscaping scheme, and two letters from PWA Planning and Arbor-Eco Consultancy.

38 The area on the inside of the track is proposed to provide fields for the production of hay/ haylage. It is also proposed for planting of replacement trees to be done across the site.

Other

39 The Planning, Design and Access Statement details that the previous operating equestrian centre within the WRE land had stabling for 40 horses, it is proposed for the number of horses stabled at the site to be reduced to 26.

40 The proposed opening hours as stated on the application form are as follows:

Monday to Friday 08:00 to 20:00

Saturday 08:00 to 20:00

Sunday and Bank Holidays 08:00 to 20:00

7 CONSULTATION

7.1 PRE-APPLICATION ENGAGEMENT

41 A pre-application meeting was undertaken in 2018 prior to the submission of the current application. The response advised that further pre-application engagement was required prior to the submission of a formal application.

7.2 APPLICATION PUBLICITY

42 Site notices were displayed on 29th May 2019 and a press notice was published on 29th May 2019.

43 Letters were sent to residents and business in the surrounding area and the relevant Ward Councillors on 2nd May, 10th May and 7th October 2019.

44 38 number responses received, comprising 36 objections, and 2 comments.

7.2.1 Objections

45 The objections received raised concerns which relate to the operation of an equestrian centre, as part of the application site has a lawful use as an equestrian centre and as no change of use is proposed, these concerns are not material in respect of the current planning application.

Neighbours

Objection	Section where addressed
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<p>Trees</p> <p>The felling of trees</p> <p>Adverse impacts on trees and wildlife</p> <p>Loss of biodiversity through removal of trees</p> <p>Removal of trees would lead to a bigger pollution problem</p> <p>Loss of tree line and amenity value of trees to the western end of Northbrook Park- the views would change the landscape completely</p> <p>Loss of tree will have an unacceptable impact on air quality which is already bad due to proximity to the South Circular</p> <p>Loss of trees</p> <p>Cutting down and felling trees will reduce air quality</p> <p>Removal of trees would result in significant loss in the SINC</p> <p>Trees do not need to be removed to clear rubbish</p> <p>Removal of trees is contrary to the TPO</p> <p>Unjustified proposal for the removal of trees</p>	<p>Section 10.5.2</p> <p>Sections 10.5.2 and 10.5.1</p> <p>Section 10.5.1</p> <p>Section 10.4.5</p> <p>Section 10.5.2</p> <p>Section 10.4.5</p> <p>Section 10.5.2</p> <p>Section 10.4.5</p> <p>Section 10.5.2</p> <p>Section 10.5.2</p> <p>Section 10.5.2</p> <p>Section 10.5.2</p> <p>Section 10.5.2</p>
<p>Biodiversity</p> <p>Adverse impact on trees and wildlife</p> <p>Negative impact on low-lying butterfly habitats</p> <p>Serious loss of biodiversity</p> <p>Impacts on ecological network</p>	<p>Section 10.5.1</p> <p>Section 10.5.1</p> <p>Section 10.5.1</p> <p>Section 10.5.1</p>

<p>Risk to bats, birds, insects and stag beetles on the site</p> <p>Negative impact on the natural environment</p> <p>Loss of butterfly habitats</p> <p>Bats, Woodpeckers, Long-tailed tits, Robins, Great tits and Peregrine Falcons can be found on the site</p> <p>Question the accuracy and the validity of the revised Ecological Impact Assessment</p> <p>Unjustified proposal for the loss of wildlife</p>	<p>Section 10.5.1</p> <p>Section 10.5.1</p> <p>Section 10.5.1</p> <p>Section 10.5.1</p> <p>Section 10.5.1</p> <p>Section 10.5.1</p>
<p><i>Traffic, Parking and Highways</i></p> <p>Adverse impact on traffic and parking</p> <p>Site access is too small</p> <p>Too much parking is proposed</p> <p>Traffic generation</p> <p>Odour pollution due to excessive traffic generation</p>	<p>Section 10.3</p> <p>Section 10.3</p> <p>Section 10.3</p> <p>Section 10.3</p> <p>Section 10.3</p> <p>Section 10.4.2</p>
<p><i>Buildings and Track</i></p> <p>The proposal should utilise the existing built footprint</p> <p>The track is too large</p>	<p>Sections 10.1 and 10.2</p> <p>Sections 10.1 and 10.2</p>
<p><i>Flooding</i></p> <p>Increased propensity of flooding due to removal of trees and increased status of hardstanding</p>	<p>Section 10.6.1</p>

Drainage survey is inadequate	Section 10.6.1
Visual Appearance Environment spoilt ascetically	Sections 10.1 and 10.5.2
Grove Park Neighbourhood Forum Conflicts with the Neighbourhood Forum's National Park Vision	Section 3
Amenity Site is a natural barrier for noise and disturbance from railway sidings Noise and disturbance from extended paddocks Impact on noise and air pollution Impact of proposed lighting on the site Noise and disturbance from the use Loss of privacy	Section 10.4.2 Section 10.4.2 Sections 10.4.2, 10.4.3 and 10.4.5 Section 10.4.4 Section 10.4.3 Section 10.4.2
Environmental Health Environmental health impact with ground contamination	Section 10.5.3
Metropolitan Open Land (MOL) Development will have a negative impact on the MOL status of the land	Section 10.1

Baring Road Primary School

Objection	Para where addressed
Loss of Biodiversity	Section 10.5.1
Degradation of the SINC	Section 10.5.2

Loss of trees will have an impact on air quality	Section 10.4.5
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Grove Park Community Group

Objection	Para where addressed
Negative impact of BAP Priority Habitats and associated UK BAP Priority species	Section 10.5.1
Degradation of the SINC	Section 10.5.2
Value of trees in Green Corridor needs to be protected	Section 10.5.2
Unable to determine benefit over the detrimental loss of environmental value and fundamental ecosystem services such as: <ul style="list-style-type: none"> • Sustainable urban drainage • Urban heat mitigation • Air quality mitigation – especially as close to the south circular • Biodiversity • Climate regulation/ carbon sequestration • Ground of public health • Increase in pollution from loss of trees in close proximity to Primary School 	Sections 10.6.1, 10.4.5 and 10.5.1
Loss and felling of trees will harm the linear connectivity	Section 10.5.2
Track will cause harm to UK BAP Priority species, habitats, flora and fauna and natural heritage on the site	Sections 10.5.1

Butterfly Conservation

Objection	Para where addressed
Proposal will have an irreparable effect on ecological asset	Section 10.5.1
The green corridor contains a number of BAP priority habitats which have the potential to support	Section 10.5.1

species of UK BAP butterfly and moths	
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Baring Trust

Objection	Para where addressed
<p>Unable to determine benefit over the detrimental loss of environmental value and fundamental ecosystem services such as:</p> <ul style="list-style-type: none"> • Sustainable urban drainage • Urban heat mitigation • Air quality mitigation – especially as close to the south circular • Biodiversity • Climate regulation/ carbon sequestration • Ground of public health • Increase in pollution from loss of trees in close proximity to Primary School 	Sections 10.6.1, 10.4.5 and 10.5.1
<ul style="list-style-type: none"> • The proposal is contrary to NPPF (para 174 (a/b)) , London Plan (policies 2.18 and 7.21), Lewisham Plan, Grove Park Neighbourhood Forum, NERC Act and the previous inspector ruling 	Sections 3 and 10

46 A number of other considerations not relevant to planning were raised. These are set out below, followed by a brief comment provided as why they are not materials considerations for this application and/or any other comments considered appropriate:

47 Developer removed previous riding school and left the site vacant and now propose a riding school: This is not relevant to the current application.

48 The site should be a Wildlife Reserve managed by the community: Only the application that has been submitted can be assessed.

49 Local Community do not want current owner to build more barns or lay any paths: The owner of the site is not a material consideration.

- 50 The site should be managed by a community group or the Council: Only the application that has been submitted can be assessed.
- 51 There has been no management of the land since the removal of the last tenant: This is not relevant to the current proposal.
- 52 Trees removed in 2012 have not been replaced: This is not a material consideration for the current planning application.
- 53 Site has been left in a state of disrepair: This is an operational issue.
- 54 The application is a disingenuous effort to change the protected status of the land: Only the application that has been submitted can be assessed. Any future proposal to re-develop the land for other purposes would have to be assessed on its own merits.
- 55 No tenant lined up to question if there is genuine interest to find one: While the applicant confirmed at the local meeting no end user was in place, this is an operational issue and permission can be granted for the proposal without such an end user in place.
- 56 Applicant's are attempting to devalue property: Land values are not a material planning consideration.
- 57 Longer term intention of the developer: Only the application that has been submitted can be assessed. Any future proposal to re-develop the land for other purposes would have to be assessed on its own merits.
- 58 The site should be purchased under a Compulsory Purchase Order: This is not a material consideration for this application and only the application that has been submitted can be assessed.
- 59 The developer's main business is out of town shopping centres: The background of the applicant is not a material planning consideration for this application.
- 60 Application is being used to obtain a foothold for permanent buildings on the site: Permeant buildings already exist on the site, as per the assessment below. Only the application that has been submitted can be assessed. Any future proposal to re-develop the land for other purposes would have to be assessed on its own merits.

7.2.2 Neutral Comments

Comment	Para where addressed
Removal of trees in an area known for high pollution is harmful to residents	Section 10.4.5
Traffic problems on surrounding narrow roads	Section 10.3

Impact on MOL	Section 10.1
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7.3 INTERNAL CONSULTATION

61 The following internal consultees were initially notified on the 2nd May 2019:

62 Environmental Health / Protection: No comments received.

63 Highways: Objection raised. See section 10.3 and the objection is detailed below.

The proposal is objectionable because:

1. The proposed site layout is unacceptable and will result in conflict between vehicles and vulnerable road users
2. Insufficient detail has been provided to determine the impact of the proposal

64 Ecological Regeneration Manager: See section 10.5.1.

65 Trees: Objection raised. See section 10.5.2.

66 Flood Risk Manager: Objection raised due to insufficient information. See Section 10.6.1.

7.4 EXTERNAL CONSULTATION

67 Environment Agency: No objection subject to the imposition of the following condition, without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the planning application.

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implement as approved.

Reason: To ensure the development complies with the National Planning Policy Framework in regard to protection of groundwater and management of any historic contamination present. To protect groundwater beneath the site associated with a Source Protection Zone for a public water supply.

The Environment Agency offers the following comments with respect to drainage:

Although permeable paving pavements and below ground storage structures are proposed, the drainage design ultimately appears to not involve discharge of drainage to ground but instead to surface water sewer. On this basis, we have no concerns from a groundwater protection perspective.

68 Network Rail: On the 20th May 2019, Network Rail stated they had no observations to make. On the 11th October 2019, Network Rail made the following observations:

The developer must ensure that their proposal, both during construction and after completion of works on site, does not:

- Encroach onto Network Rail land
- Affect the safety, operation or integrity of the company's railway and its infrastructure
- Undermine its support zone
- Damage the company's infrastructure
- Place additional load on cuttings
- Adversely affect any railway land or structure
- Over-sail to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

Network Rail also provided details comments and requirements for the developer to comply with for the safe operations of the railway and the protection of Network Rail's adjoining land. These are in relation to future maintenance, drainage, plant and materials, scaffolding, piling, fencing, lighting, noise and vibration, landscaping, vehicle incursion.

69 Thames Water: No response received.

70 Greater London Authority: Given the scale and nature of the proposal, the amendments do not give rise to any new strategic planning issues. Therefore, under article 5(2) the Mayor of London does not need to be consulted.

8 Local Meeting

71 A Local Meeting was held on the 17th January 2020 as 10 or more objections had been received. The meeting was held at the Ringway Centre and was chaired by Councillor Elliot.

72 21 attendees signed the attendance sheet.

73 The summary note of the local meeting has been attached as **Appendix 3**.

9 POLICY CONTEXT

9.1 LEGISLATION

74 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

9.2 MATERIAL CONSIDERATIONS

75 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.

76 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.

77 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 the test of reasonableness.

9.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance

9.4 DEVELOPMENT PLAN

78 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)

9.5 SUPPLEMENTARY PLANNING GUIDANCE

79 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- All London Green Grid (March 2012)
- Sustainable Design and Construction (April 2014)
- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Social Infrastructure (May 2015)

9.6 OTHER MATERIAL DOCUMENTS

80 Draft London Plan: The Mayor of London published a draft London Plan on 29th November 2017. The Examination in Public was held between 15th January and 22nd May 2019. The Inspector's report and recommendations were published on 8th October 2019. The Mayor issued to the Secretary of State the Intend to Publish London Plan on the 9th December 2019. This document now has some weight as material consideration when determining planning applications. The relevant draft policies are discussed within the report (DLPP).

10 PLANNING CONSIDERATIONS

81 The main issues are:

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

10.1 PRINCIPLE OF DEVELOPMENT

82 The National Planning Policy Framework (NPPF) at Paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.

83 Lewisham is defined as an Inner London borough in the London Plan. London Plan Policy 2.9 sets out the Mayor of London's vision for Inner London. This includes among other things sustaining and enhancing its recent economic and demographic growth; supporting and sustaining existing and new communities; addressing its unique concentrations of

deprivation; ensuring the availability of appropriate workspaces for the area's changing economy; and improving quality of life and health.

- 84 London Plan Policy 3.1 seeks to ensure equal life changes for all. As a means of tackling inequality across London, development proposals should protect and enhance facilities and services that meet the needs of particular groups and communities. Loss of these facilities without adequate justification or replacement should be resisted. Boroughs are encouraged to consider the needs of specific groups such as those who experience particular disadvantage and social exclusion.

10.1.1 Recreation Facilities

- 85 London Plan Policy 3.19 (Sports facilities) states that proposals to increase or enhance the provision of sports and recreation facilities will be supported. Policy 3.19 goes on to state where developments are proposed on existing open space, they will need to be considered carefully in light of policies on the Green Belt (Policy 7.17). Draft London Plan Policy S5 Sports and recreation facilities is broadly in line with existing London Plan Policy 3.19.
- 86 Core Strategy Policy 19 (Provision and Maintenance of community and recreation facilities) states that sports and recreational facilities and services are provided, protected and enhanced across the borough and the net-loss of facilities will not be supported.
- 87 Part of the application site has established use as an equestrian centre (the Willowtree Riding Establishment [WRE] land), which previously provided a sport and recreational facility. Whilst the equestrian centre is not currently operating and the site has a limited planning history, the lawful use as an equestrian centre in the central 2 hectare section identified by the Planning Inspector in the previous appeal (comprised of equestrian buildings and paddocks) is acknowledged.
- 88 Officers note the proposed riding track and production of hay/ haylage would expand the footprint of the functional use of the site considerably beyond the WRE land to the edges of the wooded areas to the north and south and in the track interior. Some areas of the site would be fenced off from grazing. Despite this expansion, the number of horses to be stabled at the site is to be reduced from 40 to 26.
- 89 Officers generally consider the expanded but less intensive use of the site for sport and recreational uses to be consistent in principle with policy objectives around sport and recreational uses in the London Plan and local policy, however this would be subject to the appropriateness of the development on Metropolitan Open Land. The details of the ecological and arboricultural suitability of the expanded proposals and an assessment of the impacts to neighbouring amenity and the highway network are also set out in the sections following.

10.1.2 Metropolitan Open Land

- 90 Section 13 Protecting Green Belt Land of the NPPF attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Metropolitan Open Land (MOL) and Green Belt land share the same policy protection. The application site is designated as MOL.
- 91 Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. A Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt.
- 92 Paragraph 145 of the NPPF provides several exceptions when the construction of new building will not be inappropriate in the MOL. The relevant exceptions in this case are:
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, ...and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- 93 London Plan Policy 7.16 Green Belt states that the strongest protection should be given to London's Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special circumstances. Development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance.
- 94 London Plan Policy 7.17 Metropolitan Open Land states that the Mayor strongly supports the current extent of MOL and its protection from development having an adverse impact on the openness of the MOL. Policy 7.17 goes on to states that the strongest protection should be given to MOL and inappropriate development refused except in very special circumstances, giving the same level of protection as in the Green Belt. Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL.
- 95 The supporting text of Policy 7.17 states appropriate development shall be limited to small scale structures to support outdoor open spaces uses and minimise any adverse impact on the openness of MOL.
- 96 Draft London Plan Policy (DLPP) G3 is broadly in line with existing London Plan Policy 7.17. The supporting text of DLPP G3 states that MOL protects and enhances the open environment and improves Londoners' quality of life by providing localities which offer sporting and leisure use,

heritage value, biodiversity, food, growing, and health benefits through encouraging walking, running and other physical activity.

- 97 Spatial Policy 1 of the Core Strategy that open space including MOL and SINCs, will be protected. Core Strategy Policy 12 Open space and environmental assets states that in recognising the strategic importance of the natural environment to help mitigate against climate change the Council will be protect MOL, open space, urban green space and green corridors from inappropriate built development to ensure there is no adverse effect on their use, management, amenity or enjoyment.

Discussion

- 98 The proposed development would result in the demolition of all the existing buildings on the site apart from the large barn to the south of the site (the applicant notes this building as a “menage”) which would be retained. The existing single storey buildings are situated to the south of the site near to the entrance on Ronver Road as shown in Figure 1 below. There is also a small cluster of buildings to the north of the access.



Figure 1 Layout of existing buildings

- 99 The proposed buildings as outlined in Table 2 would not be built on the same footprint as the existing building as shown in Figure 2 below.

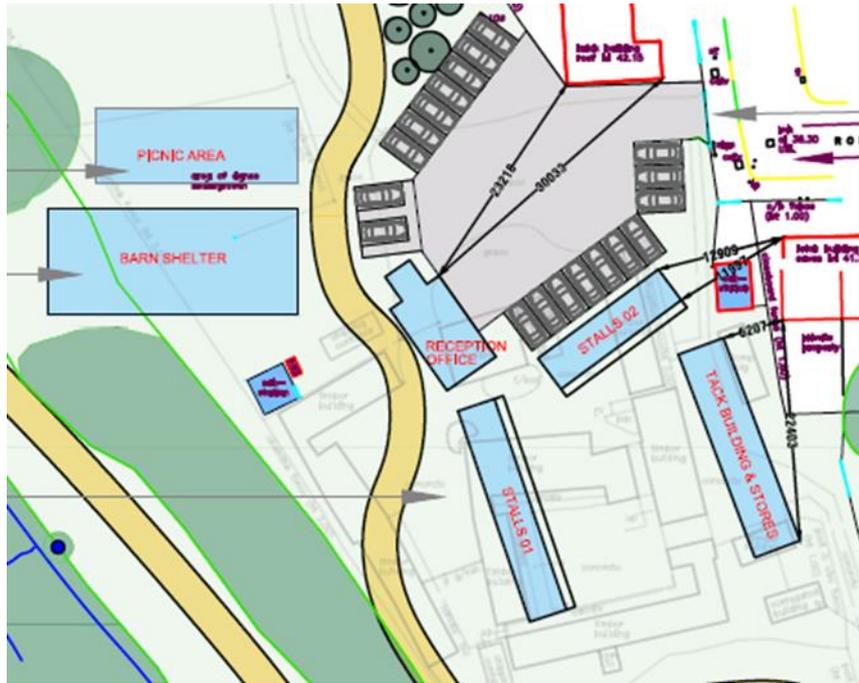


Figure 2 Layout of proposed buildings

- 100 Whilst the proposed buildings individually are larger than the various buildings that currently exist on the site, the total cumulative floor plate of the proposed buildings compared to the existing buildings which would be demolished would reduce by approximately 243m².
- 101 The volumes of the demolished and proposed buildings would be broadly commensurate according to the applicant's calculations, with a slight increase of 6m³ in volume. As noted above, the building volumes would be iterated differently across the site, with 9 buildings demolished and 5 proposed. The building footprints would move closer to the site access, arrayed around the proposed surfaced car park.
- 102 The existing main stable block has a maximum height of 3.70m, with the other existing building heights ranging between 2.10m and 2.85m. As detailed in Table 2, the proposed buildings have a height of 3.55m or above. While the Planning Statement states at Paragraph 6.9 that "the heights of the proposed buildings will not be any higher than the existing structures on the site" the officer measurements of submitted plans do not indicate this to be the case.
- 103 Of the proposed buildings, the Barn Shelter and Reception/Office would be the most visible from the entrance to the site on Ronver Road. The barn shelter would have a maximum height of 4.19m and a width of 10.74m. The reception/office would have a maximum height of 3.74m and maximum width of 13.03m.
- 104 The applicant contends the site benefits from the exceptions noted at NPPF Paragraph 145 (b) and (d) and therefore the proposed buildings do not constitute inappropriate development, as the building support a

recreational use and do not harm the MOL, and are not materially larger than those existing.

- 105 Officers consider the proposed tack building and the barn shelter would be materially larger structures than any of the cluster of existing WRE buildings on the site in terms of height. The footprint of the barn shelter is significantly larger than the footprint of any of the building proposed to be demolished. Officers therefore consider that the requirements of NPPF Paragraph 145(d) are not met as the barn shelter and tack buildings are materially larger structures that would constitute inappropriate development.
- 106 Officers note volumetric matters are a material planning consideration, however the visual impact on the aspect of openness on the MOL is also relevant to the issue of the appropriateness of the development. In terms of visual impact, the applicant has not provided visualisations of the new buildings as they would appear from Rover Road. Given the limited public access to the site (as the draft Grove Park Neighbourhood Plan notes [P46, Asset D] the application site is often “missed” as a natural destination due to its location) officers consider the proposed buildings will be configured in higher and more prominent positions in relation to the access and this configuration will give rise to an urbanising effect to the designated open land as it would appear from Ronver Road. Officers acknowledge this effect is localised to a small portion of the site and the general suitability of the materials as per the section below, however are mindful of the strong presumption against inappropriate development in the Framework and consider the visual appearance proposed buildings to be visually harmful in this instance.
- 107 The development subsequently fails to preserve the openness of the MOL. Despite a proposed use consistent with the recreational use of the WRE land, the buildings do not benefit from the exception noted in Paragraph 145(b) as the recreation facilities proposed would harm the openness of the MOL due to their visual impact.
- 108 In coming to this view the exceptions are not met, Officers have had regard for the conclusions of the Planning Inspector in the previous appeal. The previous appeal scheme was a materially different development (proposing a replacement stable block broadly of the same scale as Stalls 02 only) and the Inspector concluded that the proposed stable block would not have a materially detrimental impact on the openness of the MOL, and the appeal building would amount to “a small scale structure”. No conflict with LP Policy 7.17 was identified.
- 109 Officers considers the same conclusion cannot be applied in this materially different circumstance, and the proposed buildings the subject of this application due to their materially larger design and configuration will harm the openness of the MOL at a key access point to the site, giving rise to an urbanising effect. Officers also note the lack of detail with respect to the specific use of the buildings and their accessibility to the wider public. Officers remain concerned about placement of the

permanent barn shelter structure west of the existing cluster of WRE buildings in an area the Tree Officer identifies as a key north-south corridor in ecological terms, as is set out in the assessment below.

- 110 The proposed buildings are therefore inappropriate development on Metropolitan Open Land and do not benefit from exceptions (b) and (d) set out in Paragraph 145 of the NPPF. The applicant has made no case that any very special circumstances apply in this instance. The development is unacceptable in principle.

10.2 URBAN DESIGN

- 111 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on the design of the built environment. Paragraph 124 states that the creation of high quality buildings and places is fundamental to what planning and development process should achieve.

- 112 London Plan Policy 7.6 requires development to positively contribute to immediate environs in a coherent manner, using the highest quality materials and design.

- 113 Core Strategy Policy 15 repeats the necessity to achieve high quality design. DM Policy 30 states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity.

Discussion – Urban Design

- 114 As outlined in Section 4 all of the existing buildings apart from the large barn to the south of the site are proposed to be demolished. The existing buildings are timber structures and are in state of disrepair. The date of construction of the buildings is unknown based on a lack of planning history of the site, however the buildings are of no particular architectural or historic merit and Officers do not raise an objection to the removal of the buildings outlined in Table 1 in Section 6.

- 115 As outlined in Table 2 in Section 6, five new buildings are proposed. All of the buildings would be timber clad.

- 116 Whilst officers acknowledge that the principle of development is not supported, officers need to consider materiality of the proposed buildings. Given that part of the application site was in use as an equestrian centre and as the structures which are to be demolished are timber, officers support the use of timber clad structures. If there was not an in principle objection, further information would have been sought in regards to the details of the timber cladding and these details would have been secured by condition.

- 117 A riding track way for horses is proposed around the perimeter of the site. The track would incorporate three feeding stations. Insufficient information

has been provided in regards to the proposed material and construction details of the track and the proposed feeding stations. It should be noted that part of the proposed track goes through the southern section of the site which has medium to high risk of flooding. If the proposal was otherwise acceptable further information would be have been sought and secured by condition.

118 The existing hardstanding area inside the access gates on Ronver Road is proposed to be replaced by an enlarged area of hardstanding. The Planning, Design and Access Statement states that the hardstanding would be a porous surface such as Ultidrive Porous; this is an asphalt material. The hardstanding would appear as a tarmacked area; given the character of the MOL, the proposed area of hardstanding is not considered to respect the character and appearance of the site and the characteristics of MOL land. If the proposal was otherwise acceptable, Officers would have sought an alternative material.

119 Limited information has been provided in regards to the proposed picnic area and sub-stations, if the proposal was otherwise acceptable this information would have been sought.

10.2.1 Urban design conclusion

120 Officers do not raise an objection to the demolition of the existing structures. If there was not an in principle objection to the configuration and size of the buildings, further information would have been sought in respect of the timber cladding, the material and construction details of the track, details of the feeding stations, picnic area and sub-stations and amendments would have been sought in relation to the material of the proposed hardstanding.

10.3 TRANSPORT IMPACT

General Policy

121 Nationally, the NPPF requires the planning systems to actively manage growth to support the objective of para 102. This includes: (a) addressing the impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality design.

122 Para 109 of the NPPF states 'Development should only be prevented or reused on transport grounds if there would be an unacceptable impact on highway safety, or on the residual cumulative impacts on the road network would be severe'.

123 London Plan Policy 6.1 sets out the Mayor's Strategic approach to transport which aims to encourage the closer integration of transport and development. This is to be achieved by encouraging patterns and nodes

of development that reduce the need to travel, especially by car; seeking to improve the capacity and accessibility of public transport, walking and cycling; supporting measures that encourage shifts to more sustainable modes and appropriate demand management; and promoting walking by ensuring an improved public realm.

- 124 The Core Strategy, at objective 9 and CSP 14, reflects the national and regional policies.
- 125 The application site has a PTAL rating of 2, which is considered to be poor. Car use and parking demand will be greater in this location when compared to a location with a higher PTAL. The applicant has submitted a Transport Statement with the application.
- 126 The only access to the site is from the existing vehicular access on Ronver Road, the current application does not propose any changes to the existing access, and therefore all users and visitors would access the site via the existing access gate.
- 127 Given the proposed hardstanding area/ parking areas shown on the plans, and due to the proposed location of the buildings and track, it is reasonable to comment on the proposed layout and the alteration of this area, and the subsequent transportation impacts that fall to be considered in planning terms.

Site Layout and Car Parking

- 128 The existing hardstanding was previously used for informal car parking and has no delineated bays. Officers highlight that due the location and layout of the proposed buildings, the land to the west of the hardstanding area is currently open and unrestricted and this area could be used for the turning of vehicles so that the vehicles (particularly larger vehicles and horse boxes) can egress the site in forward gear.
- 129 The proposed development would create a formalised car park with 19 delineated car parking spaces. The proposed Reception /office would be situated directly adjacent to the car park and the Stalls 02 and track would be situated approximately 1m from the delineated car parking spaces. The proposed building and track would enclose the land around the proposed car parking; this land is currently open and the enclosing of the land around the area of informal car parking has highways implications. No swept path analysis has been provided to demonstrate that large vehicles can access and egress the site in forward gear with the proposed site layout without resulting in conflict and highway safety implications. As such the proposed site layout is considered to be unacceptable and to result in conflict between vehicles and vulnerable road users.
- 130 The proposed spaces within the proposed car park are not big enough for larger vehicles and the proposed site layout does not include a designated a loading area for horse boxes and delivery vehicles etc. It does not appear the parking provision addresses the intended use of the site.

131 Officers acknowledge that part of the site has previously been in use as an equestrian facility, however as the existing structures on site are dilapidated, the existing site does not generate a significant number of trips. The proposed development would enhance the existing facilities at the site, and is likely to generate additional trips compared to the existing situation. Highways Officers state that the trip generation / parking demand within the Transport Statement is not associated with the existing use. The data provided is from other equestrian centres around the UK (including Scotland), no details (i.e. size etc.) of these centres have been provided, as such data is considered to be problematic and incomparable, and of limited value for Highways Officers in coming to an assessment of transportation impacts

132 The proposal would create stabling for 26 horses and other buildings associated with the equestrian use. However, only 19 car parking spaces are proposed. Highways Officers state that insufficient detail has been provided to demonstrate that the proposed quantum of off-street parking is sufficient to accommodate the parking demand for the use of the site. In addition section 7.3 of the Planning, Design and Access Statement discusses the proposed off-street parking provision at the site, and outlines '*a car parking management strategy would be implemented if it appears that additional parking is required to avoid any overspill into neighbouring residential areas*'. However, no details of the parking management or details/location of the overspill parking areas have been provided, nor has detail been provided to demonstrate that any overspill parking associated with the proposal can be accommodated. Officers note the historic use for part of the site would have been unlikely to generate overspill parking impacts given its scale (no historic overspill parking impacts were noted by residents at the local meeting) and the future use of the site is unclear.

Pedestrians and vulnerable road users

133 The proposed site layout would not provide a segregated pedestrian route from the existing entrance of Ronver Road. Due to this pedestrians will have to negotiate manoeuvring/reversing vehicles in the proposed hard landscaped area to access the proposed Reception/ Office. The lack of segregation for pedestrians would create conflict between vehicles and pedestrians and vulnerable road users which is unacceptable in terms of pedestrian safety. The situation would be exacerbated as the proposed hard landscaped area would be used by larger vehicles associated with the use (i.e. horse boxes and delivery vehicles etc.). Officers also note that despite a baseline position without segregated pedestrian access, the proposed building configuration adjoining the car park will constrain manoeuvring vehicles and produce a materially different and harmful pedestrian environment when considered against the baseline position.

Insufficient Information

134 In addition to no swept path drawings being provided and no parking management details or overspill parking details, insufficient detail has

been provided in regards to how the site will operate, details of cycle parking and refuse storage.

10.3.1 Transport impact conclusion

135 Officers have considered the baseline position and that part of the site has formally been in use as riding establishment. Officers note the applicant's intention to make the site a more attractive and viable use, however, the proposed car parking and the proposed site layout would have materially different impacts.

136 The proposed site layout is considered to be unacceptable and is considered to result in conflict between vehicles and vulnerable road users contrary to paragraph 109 of the NPPF. In addition, the transportation position requires further assessment as it is lacking sufficient detail.

10.4 LIVING CONDITIONS OF NEIGHBOURS

137 Paragraph 127 of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. It also states that planning decisions should ensure that developments will create place, which promote high standards of amenity for existing and future users.

138 This is reflected in the relevant policies of the London Plan (LPP 7.6). Core Strategy Policy states that new development should be designed in a way that is sensitive to the local context. It must therefore be demonstrated that the proposed alterations are neighbourly and that significant harm will not arise with respect to overbearing impact, overshadowing, and loss of light, loss of outlook or general noise and disturbance.

10.4.1 Proposed Buildings

139 The first thing to note that whilst the proposed buildings are taller than the existing buildings as highlighted in Tables 1 and 2, they are in single storey in nature.

140 The proposed barn shelter which would have a maximum height of 4.19m, would be situated approximately a minimum of 29m from the rear boundaries of the properties on the western side of Ronver Road and approximately a minimum of 46m from the properties on the southern side of Ronver Road. Given the siting of the proposed Barn Shelter and the separation distances to the nearest neighbouring properties, the proposed Barn Shelter is not considered to have an unacceptable impact on residential amenities.

141 The proposed Reception / Office which would have a maximum height of 3.74m, would be situated approximately a minimum of 23m from the rear

boundaries from the properties on the western side of Ronver Road and approximately a minimum of 27m from the properties on the southern side of Ronver Road. Given the siting of the proposed Reception / Office and the separation distance to the nearest neighbouring properties, the proposed Reception / Office is not considered to have an unacceptable impact on neighbouring amenity.

- 142 The proposed Stalls 01 which would have a maximum height of 3.55m, would be situated approximately a minimum of 32m from the properties on the western side of Ronver Road and approximately 25m from the properties on the southern side of Ronver Road. Given the proposed siting of Stalls 01 and the separation distance to the nearest neighbouring properties, the proposed Stalls 01 is not considered to have an unacceptable impact on neighbouring amenity.
- 143 The proposed Stalls 02 which would have a maximum height of 3.55m, would be situated approximately a minimum of 18m from the boundaries of the properties on the western side of Ronver Road. The proposed Stalls 02 would be situated approximately a minimum of 7m from the side boundary of the properties on the southern side of Ronver Road, namely No. 77 Ronver Road. The dwelling at No. 77 Ronver Road is set in approximately a minimum of 1.6m from the side boundary. The siting and orientation of the proposed Stalls 02 would mean that the shortest elevation would be facing the application site and would be partially situated behind an existing sub-station. Given this and the separation distance, the proposed Stalls 02 is not considered to have an unacceptable impact on the amenities of No. 77 Ronver Road and the other properties on the southern side of Ronver Road.
- 144 The proposed Tack Building and Stores would be situated approximately a minimum of 27m from the boundaries of the properties on the western side of Ronver Road. The proposed Tack Building and Stores would be situated approximately a minimum of 3m from the side boundary of No. 77 Ronver Road. The dwelling at No. 77 Ronver Road is set in a minimum of 1.6m from the side boundary. Due to the siting and orientation of the proposed Tack Building and Stores, it would run the entire length and extend beyond the rear garden of No. 77 Ronver Road. The proposed Tack Building and Stores would have a pitched roof with a maximum height of 3.52m, the eaves height would be 2.66m. Currently there are mature trees along the boundary with No. 77 Ronver Road, it is unclear if these are being retained or removed. Given the scale and siting of the proposed Tack Building and Stores and the lack of clarity in regards to the trees along the boundary, the proposed Tack Building and Stores is considered to be an overly dominant addition when viewed from the rear garden of No. 77 Ronver Road and as such is considered to be an unneighbourly form of development which would result in a loss of outlook and an undue sense of enclosure. Officers do note that due to the lack of clarity around the trees along the boundary it is unclear if the proposed Tack Building and Stores could be built in the Root Protection Area of the trees along the boundary.

- 145 Due siting of the proposed buildings and the separation distance to the properties on Rayford Avenue, the proposed buildings are not considered to have an unacceptable impact on the amenities of the properties on Rayford Avenue.
- 146 If the proposal was otherwise acceptable, further information would have been requested in relation to the sub-stations as to assess their impact on neighbouring properties.

10.4.2 Track

- 147 A riding track for horses is proposed around the perimeter of the site. The minimum separation distance from the proposed track to the site boundary is approximately 2.5m and this is to the north-east site boundary (rear of properties on Rayford Avenue).
- 148 Three feeding stations are proposed around the track, one of the feeding stations would be situated approximately 7m from the north-east site boundary (rear of properties on Rayford Avenue).
- 149 As noted above, while it is proposed to stable less horses on the site than the number in the WRE land, the scope of the use would be expanded despite being less intensive and allow for equestrian use in a circulating track around the site perimeter.
- 150 The impact of the use of the proposed track on neighbouring amenity needs to be considered. Due to the siting of the proposed track the main considerations would be for the properties on Rayford Avenue and Ronver Road and to a lesser extent St Mildred's Road.
- 151 Officers acknowledge that a riding track does not currently exist on the site and that the proposed track would be a minimum of 2.5m from the north-east site boundary (rear of the properties on Rayford Avenue).
- 152 Given that the track would be used for a comparatively low impact sport and recreational use judged in conformity with in principle London Plan policy objectives in this area, and is proposed to be controlled by the operating hours below, it is not considered that the use of the track would result in an unacceptable impact in terms of overlooking and loss of privacy to the neighbouring residential properties on Ronver Road, Rayford Avenue and St Mildred's Road.
- 153 In coming to this view, Officers have been guided by the Inspector's reasoning in the previous appeal decision. The previous appeal scheme would have created paddocked areas directly adjoining properties, primarily to the rear of Rayford Avenue. There are existing paddocked areas to the properties on Ronver Road. These Paddocked area were proposed to allow the riding and exercising horses in as close proximity to the rear of the subject dwellings as the current tracked scheme. The paddocks would have been lined by hedgerows and trees.

- 154 The Planning Inspector is clear that paddocked use would be unlikely to materially increase the noise levels or cause odour problems. Officers note if the current scheme were acceptable, a management plan condition would have been imposed to control odour impacts. The track itself would be visible in places from upper floor windows, however this would sit within the setting of a partly wooded area some of which is already in use as an equestrian area. Given the Inspector's view on the previous scheme and comparatively less intense tracked scheme that would see the riding and exercising of horses in the tracked locations only (something the Inspector concluded was a 'quiet pastime') the Council is bound by this reasoning given the less intensive use of the site and the amenity impacts of the proposed on adjoining dwellings is judged to be acceptable.
- 155 The Inspector also concluded that the loss of any trees on site was likely to increase railway noise to adjoining properties. Officers also take this view given the previous appeal position.

10.4.3 Proposed Opening Hours/ Operations

- 156 The equestrian centre at the application site is not currently in operation. The opening hours from when the site was last in operation are unknown. The application form outlines that the proposed opening hours of the equestrian centre are:
- | | |
|--------------------------|----------------|
| Monday to Friday | 08:00 to 20:00 |
| Saturday | 08:00 to 20:00 |
| Sunday and Bank Holidays | 08:00 to 20:00 |
- 157 The proposed opening hours would be the hours that the equestrian centre is open to the public.
- 158 The proposed opening hours to the public are considered to be acceptable and are not considered to have an unacceptable impact on amenities on the neighbouring properties in regards to noise and disturbance.
- 159 It should be noted that due to the nature of the use of the site as an equestrian centre, the application site will always be in operation due to the stabling of horses, even if closed to the public.
- 160 The Planning, Design and Access Statement details that 26 horses will be able to be stabled at the site. The Planning Design and Access statement goes onto detail that previously the site provided stabling for 40 horses; as such this application proposes a reduction in the number of horses that can be stabled at the site. If the proposal was otherwise acceptable, the number of horses which can be stabled would have been secured by condition.
- 161 Due to site always being in operation, if the proposal was otherwise acceptable and Use and Management Plan would have been secured by

condition to ensure that the operation of site outside of the public opening hours would not have an unacceptable impact on neighbouring amenity.

10.4.4 Lighting

162 The NPPF at para 180 states that development should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

163 If the proposal was otherwise acceptable, the details of the external lighting would have been assessed at condition stage and the hours of operation of the light would have also been secured.

10.4.5 Air Quality

164 NPPF para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Development should wherever possible; help to improve local environmental conditions such as air quality.

165 LPP 7.15 states that new development amongst other requirements must endeavour to maintain the best ambient air quality (air quality neutral) and not cause new exceedances of legal air quality standards. DLPP SI1 echoes this.

166 CSP 7 reflects the London Plan. CSP 9 seeks to improve local air quality. DMP 23 sets out the required information to support the application that might be affected by or affect air quality.

167 The application has not been accompanied by an Air Quality Assessment. The Planning Inspector is clear in the appeal decision (APP/C5690/A/13/2205776) that there is no evidence to show that the retained trees together with proposed planting would not satisfactorily safeguard air quality and that the proposed development would not have a material detrimental effect on air quality. Given the Inspector's view on the previous scheme, the proposal is considered to have an acceptable impact in regards to air quality.

10.4.6 Parking

168 During the local meeting, residents raised concerns in respect of the proximity of the car parking to residential properties. As outlined above the proposed development is not considered to have an unacceptable impact in regards to air quality. In regards to noise and disturbance from the use of the car park, given that opening hours of the equestrian centre (which includes the car park) would have been secured by condition if the proposal was otherwise acceptable, the proposed car park is not considered to result in materially harmful noise and disturbance to the neighbouring residential properties.

10.4.7 Impact on neighbours conclusion

- 169 The proposed Tack Building and Stores due to its scale and siting and due to the lack of clarity in regards to the trees along the boundary, the proposed Tack Building and Stores is considered to be an overly dominant addition when viewed from the rear garden of No. 77 Ronver Road and as such is considered to be an unneighbourly form of development which would result in a loss of outlook and an undue sense of enclosure to No.77.
- 170 The use of the proposed track is not considered to result in an unacceptable impact in terms of overlooking and loss of privacy.
- 171 The proposed opening hours and operation and lighting of the site is not considered to have an unacceptable impact on neighbouring amenity. If the proposal was otherwise acceptable details would have been secured by condition.
- 172 The proposed development is not considered to have an unacceptable impact in regards to air quality. The proposed car parking is not considered to result in materially harmful noise and disturbance to neighbouring residential properties.

10.5 NATURAL ENVIRONMENT

General Policy

- 173 Section 15 Conserving and enhancing the natural environment of the NPPF states that planning decisions should contribute and enhance the natural and local environment.
- 174 Paragraph 175 a states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.
- 175 Policy 7.19 Biodiversity and Access to nature of the London Plan that development proposals should make a positive contribution to the protection, enhancement, creation and management of biodiversity. Part E of this policy states that when considering proposals that would affect directly, indirectly or cumulatively a site of recognised nature conservation interest the following hierarchy will apply: 1. avoid adverse impact to the biodiversity interest; 2. minimise impact and seek mitigation. 3. Only in exceptional circumstances where the benefits of the proposal clearly outweigh the biodiversity impacts seek appropriate compensation.
- 176 Policy 7.21 Trees and woodlands of the London Plan states that Trees and woodlands should be protected, maintained and enhanced. The policy goes on to state that existing trees of value should be retained and any loss as the result of development should be replaced following the principle of 'right place, right tree'.

10.5.1 Ecology and biodiversity

- 177 Section 40 of the Natural Environment and Communities Act 2000 places a duty on all public authorities in England and Wales to have regard to the purpose of conserving biodiversity.
- 178 The NPPF at para 170 states decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. At para 175, it sets out the principles which LPAs should apply when determining applications in respect of biodiversity.
- 179 LPP 7.19 seeks wherever possible to ensure that development makes a positive contribution to the protection, enhancement, creation and management of biodiversity.
- 180 CSP 12 recognises the importance of the natural environment and environmental assets and requires the conservation and enhancement of these assets. SINCs are locally designated areas that are recognised as being of particular importance to wildlife and biodiversity.

Discussion

- 181 An Ecological Impact Assessment (prepared by Kingfisher Ecology Ltd, dated July 2019) was submitted with the application. This was reviewed by the Council's Ecologist and supports the findings of the report subject to the implementation of conditions.
- 182 Kingfisher Ecology concluded in 2017 that a Phase II Habitat and Protected Species Survey was needed following the dismissed appeal. These were conducted in 2018 and included with the application submission.
- 183 The applicant's Planning Statement notes the most recent survey identified the presence of foraging and commuting bats on the site, breeding birds across the site, the presence of a low population of viviparous lizards and the likely absence of stag beetles, and great crested newts.
- 184 It is also concluded by Kingfisher Ecology that further surveys will be required to assess all trees and buildings with potential to provide bat roost opportunities if planning permission were to be granted by committee that will be affected by the proposed project. An outline mitigation strategy is provided how bats in buildings will be considered if they are found to be present is included with the application.
- 185 The applicant has provided additional information at the request of the Council's ecologist on the 9th July 2019. Initially the Council's Ecologist stated that the further surveys which are detailed in the summary of Ecological Impact Assessment are required to be conducted as European Protected Species are a material consideration. A revised assessment

was received on the 22nd July 2019 and subsequently re-reviewed by the Council's Ecologist.

- 186 Officers are satisfied that the submission of ecological information is robust and has been undertaken by a suitably qualified professional. There is insufficient information however, to determine if the application will achieve LPP 7.19 that seeks to ensure that development makes a positive contribution to the protection, enhancement, creation and management of biodiversity. As is typical planning practice the suitability of the scheme in ecological terms would be contingent on conditions being agreed, fully implemented and monitored.
- 187 It is important that planning decisions are based on up-to-date ecological reports and survey data. However, it is difficult to set a specific timeframe over which reports or survey data should be considered valid, as this will vary in different circumstances. It should be noted that the Council's Ecologist considers that the current surveys are on the cusp of validity due to the passage of time since the initial surveys were conducted.
- 188 The Council's ecologist proposes conditions to avoid and mitigate ecological impacts of the proposed development. Subject to the imposition of conditions which would require further surveys to be undertaken, the proposed development is considered to be suitable in ecological terms.
- 189 Officers acknowledge that objections in respect of the impact of the proposed development on Butterflies and Butterfly habitats. Considering that conditions that have been proposed by the Council's Ecologist, the proposal subject to conditions is considered to have an acceptable impact on Butterflies.
- 190 If the proposal was otherwise acceptable the following conditions would have been proposed by the Council's ecologist to be attached to a planning permission:
- Biodiversity Method Statement
 - Removal of Vegetation and Buildings
 - Lighting Design Strategy for Light Sensitive Biodiversity
 - Securing on Site Ecological Expertise During Construction
 - Biodiversity Monitoring Strategy (and remedial measures)
 - Landscape and Ecological Management Plans (LEMPs)
 - Time limits on development before further surveys are required

10.5.2 Green spaces and trees

- 191 Section 197 of the Town and Country Planning Act gives LPAs specific duties in respect of trees. This includes a duty to, wherever it is appropriate, that in granting planning permission for any future development adequate provision is made, by the imposition of conditions, for the preservation and planting of trees.
- 192 LPP 7.21 protects trees of value and replacements should follow the principle of 'right place, right tree'. New development should include additional trees wherever appropriate, particularly large-canopied trees.
- 193 Core Strategy Policy 12 (Open Space and Environmental Assets) recognises the importance of trees and details the arboricultural considerations required during the planning process. It states that the Council's targets to conserve nature and green the public realm will be achieved by "protecting trees, including street trees, and preventing the loss of trees of amenity value, and replacing trees where loss does occur".
- 194 DM Policy 25 (Landscaping and Trees) states that development schemes should not result in an unacceptable loss of trees, especially those that make a significant contribution to the character and appearance of an area, unless they are considered dangerous to the public by an approved Arboricultural Survey. Where trees removed as part of a new development, replacement planting will normally be required. New or replacement species should be selected to avoid the risk of decline or death arising from increases in non-native species and diseases.
- 195 The application site is subject to a site wide TPO (No. 2012/04/1). The area TPO protects all trees that were growing on the site when the order was made, of whatever category, A, B, C or U, as defined by BS 5837:2012 Trees. The application site is also a SINC.
- 196 A Planning, Design and Access Statement (prepared by PWA Planning, dated March 2019), a Landscape Plan and Pre-development Arboricultural Survey and Arboricultural Impact Assessment (prepared by Kingfisher Ecology Ltd, dated November 2018) were submitted with the application. These documents were reviewed by the Council's Tree Officer who highlighted that these documents contain conflicting and contradictory information and that it is unclear how the stated landscape aims and objective in the planning statement will be fulfilled. The comments were sent to the applicant team in August 2019.
- 197 The conflicting information includes:
- Paragraph 7.9 of the Planning, Design and Access Statement outlines that the following will be removed:
- Remove 6 trees: T35 – T40
 - Remove 2 groups: G21 and G22

- Partially remove 3 groups: G17, G19 and G 26

Pages 10-13 of the submitted Pre-development Arboricultural Survey and Arboricultural Impact Assessment (prepared by Kingfisher Ecology Ltd, dated November 2018) outlines that the following will be removed:

- Removed 10 trees: T1, T2, T3, T5, T23, T26, T27, T28, T29 and T44
- Remove 10 groups: G1, G2, G8, G14, G16, G21, G22, G23, G24 and G25
- Partially remove 10 groups: G3, G4, G6, G10, G11, G17, G18 G19, G20 andG26

The Tree Protection Plan (PW011118-01-01 Rev A) which is included in the Pre-development Arboricultural Survey and Arboricultural Impact Assessment (prepared by Kingfisher Ecology Ltd, dated November 2018, in addition to the above shows:

- The partial removal of 2 more groups: G9 and G13
- No protection from horse grazing for: G5, G7, G15, T8, T10, T15, T16, T17, T18, T21, T22, T30, T31, T32, T33, T34, T41, T42, T45, T46, T47, T48.
- Retained trees: G12, G27, T4, T6, T7, T9, T12, T13, T14, T19, T20, T24, T25, T43 (off-site), T49, T50, T51 and T52.

In addition to the above, the submitted Landscape Plan (1418.03 Rev B) has two conflicting categories in the key:

- Trees/shrubs to be removed as part of the development
- Trees/shrubs to be removed in accordance with tree survey

198 As such it unclear as to which trees/shrubs are to be removed.

199 In response to the Tree Officer comments the applicant team provided an updated Landscape (1418.03 Rev C) received 18th September 2019 and a Letter dated the 16th September 2019 addressing 'Trees and Landscape Comments', this letter included a Landscaping Scheme (prepared by ProHort Horticulture Managed) and letter from Arbor-Eco Consultancy (reference MB190816, dated 3rd September 2019). The letter was received by the Council on the 3rd October 2019.

200 The additional information received did not address the inconsistencies between the submitted documentation, In the previous appeal decision, the Planning Inspector stated that there was a significant degree of uncertainty as to which trees would be retained. Due to the absence of clarity on which trees are being removed and retained and which areas would be protected from grazing, the assessment will be of the worst case scenario.

- 201 In addition to the removal of trees, tree planting and scrub planting are proposed and the centre of the track is proposed to provide fields for the production of the hay/haylage.
- 202 The letter from the applicant team dated the 16th September 2019 states that the tree protection measures for trees within the hay/haylage areas and fencing for areas which would be prevented from grazing (including the track) could be secured by condition. Due to the character and designations of the site, this cannot be secured by condition due to the uncertainty in regards to the areas which would be grazed and tree protection measures. Officers highlight that the Planning Inspector in the previous appeal decision stated that the level of tree retention is not a matter that could be reliably secured by condition. The Tree Officer highlights that without measures to protect trees and prevent unrestricted grazing across the site, that horses have the potential to remove bark and kill mature trees and that the site can be cleared of trees and scrubs through unrestricted grazing; this would not retain the existing wooded character of the site or meet the objectives of the issued TPO. Furthermore, it would not comply with the NPPF as para 170 states decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 203 Scrubland is also proposed to be removed, the removal of would be contrary to the SINC designation of the site. It is highlighted the Councils Ecologist does not agree with the statement in the submitted Arbor-Eco Consultancy letter (dated 3rd September 2019) that 'the density of the scrub layer is increasing whereby the movement of animals including birds, small mammals, butterflies and dragonflies is becoming restrictive'.
- 204 Officers note the Inspector concluded in the previous appeal that a lack of clarity with respect of tree removals was likely to put pressure on the site for additional tree removals if the grazing-style proposed was not functional or fit for purpose. The Inspector stated that:
- There is no evidence to show that wooded pasture would be suitable for the purposes for which planning permission was sought; that is, riding and exercising horses. Given the need identified in the DAS to clear sight lines and remove hazards, it appears unlikely that it would. This may result in pressure, following a grant of planning permission, for far fewer trees than suggested by [the consultant] to be retained in the interests of the functionality of the proposed paddocks, which would be difficult to resist once permission has been granted for the paddock use.*
- 205 Officers consider the same issues is presented in the current scheme and the lack of clarity concerning the removal and lack of detail concerning the suitability of the wooded pasture concept may give rise to pressure on the site to remove protected trees.

- 206 In addition to the removal of trees, new tree and shrub planting is proposed across the site. The principle of tree and scrub planting is acceptable, however due to the lack of clarity in respect of the trees to be retained, grazing areas and tree protection measures, insufficient information has been submitted to assess the proposed planting on the impact on the character and designations of the site. Officers do highlight that if the proposal were otherwise acceptable, the type and numbers of the planting could have been secured by condition.
- 207 Officers highlight that the location of the proposed barn shelter unnecessarily extends west into the north south linear area of trees (G18/19). The positioning of the proposed barn will sever and fragment the linear area of trees.
- 208 Therefore, subject tree removals, considered at their most intensive given the lack of clarity will give rise to an unacceptable loss of trees that make a significant contribution to the character and appearance of the area and are insufficiently mitigated by replacement trees and scrub planting to overcome the harm. As such the proposed development is considered to have a detrimental impact on the character and appearance of the site and would conflict with the TPO, MOL and SINC designations.

10.5.3 Ground pollution

- 209 The NPPF at para 170 states that decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk or being adversely affected by, unacceptable levels of soil pollution. Development should help to improve local environmental conditions.
- 210 The NPPF states decisions should contribute to and enhance the natural and local environment by remediating and mitigating contaminated land, where appropriate (para 170). Further, the NPPF at para 178 and NPPG states decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination.
- 211 The test is that after remediation, land should not be capable of being determined as 'Contaminated Land' under Part 2A of the Environmental Protection Act 1990.
- 212 LPP 5.21 and DMP 28 reflect national policy.
- 213 The Environment Agency have requested the imposition of a condition in respect of contamination as set out in paragraph 65 of this report; if the proposal were otherwise acceptable the condition would have been added to a permission. It should be noted that without this condition (as set out in paragraph 65), the Environment Agency would object to the application.

10.5.4 Natural Environment conclusion

- 214 If the proposal were otherwise acceptable, a number of conditions would have been imposed so that the proposed development has an acceptable impact in terms of biodiversity and ecology.
- 215 Due to the absence of the clarity of which trees are being removed the assessment considered the worst case scenario. The proposed removal and partial removal of trees would have a detrimental impact on the character and appearance of the site and would conflict with the TPO and MOL designations.
- 216 In addition, unrestricted grazing, this would have a detrimental impact on the character and appearance of the site and would conflict with the TPO and MOL designations.

10.6 SUSTAINABLE DEVELOPMENT

- 217 NPPF para 148 sets an expectation that planning will support transition to a low carbon future.
- 218 This is reflected in the relevant policies of the London Plan and the Local Plan.
- 219 CS Objective 5 sets out Lewisham's approach to climate change and adapting to its effect. CSP 7, CSP 8 and DMP 22 support this.

10.6.1 Flood Risk and Sustainable Urban Drainage

- 220 LPP 5.12 requires mitigation of flooding, or in the case of manage flooding, the stability of buildings, the protection of essential utilities and the quick recovery from flooding. LPP 7.13 expects development to contribute to safety, security and resilience to emergency, including flooding.
- 221 CSP 10 requires development to result in a positive reduction in flooding to the Borough. Further guidance is given in the London Plan's Sustainable Design and Construction Supplementary Planning Guidance.
- 222 The NPPF at paragraph 165 expects major development to incorporate sustainable urban drainage systems (SUDs) unless there is clear evidence it is in appropriate.
- 223 LPP 5.13 requires SUDs unless there are practical reasons for not doing so. In addition, development should aim to achieve greenfield run-off rates and ensure surface water is managed in accordance with the policy's drainage hierarchy.
- 224 The application is accompanied by a Flood Risk Assessment (prepared by UK Flood Risk Consultants, dated 01/04/2019).

225 The site is located on Flood Zone 1, which indicates a low probability of fluvial or tidal flooding. The majority of the site is located in a low flood risk area of surface water runoff, however a small area to the south of the site is located in medium to high risk with flood depths varying from 300mm to 900mm.

226 The Council's Flood Risk Manager has raised an objection to the application due to insufficient information being provided; if the proposal was otherwise acceptable this information would have been requested prior to determination of the application as this cannot be secured by condition.

11 EQUALITIES CONSIDERATIONS

227 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.

228 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.

229 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.

230 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>

231 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

232 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>

233 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 there is no impact on equality.

12 HUMAN RIGHTS IMPLICATIONS

234 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

235 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.

236 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.

13 CONCLUSION

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

238 Officers acknowledge an expansion of the proposed sport recreation use on the site would have positive benefits, although officers consider the lack of an identified end user and lack of details with respect to the proposal makes the deliverability of these benefits somewhat remote to the local community. The improved management of the site would seek to address the anti-social behaviour identified by the applicant; however, officers do note that residents during the local meeting disputed that the site has an issues giving rise to anti-social behaviour.

239 Whilst officers acknowledge the benefits of sports and recreation use and improved management of the site, officers have had to have regard to the openness of the MOL in assessing the principle of development. The proposed buildings by reason of their size and more prominent positions are considered to harm the openness of the MOL due to their visual impact, as such the proposed development is unacceptable in principle.

240 Officers do not raise an objection to the demolition to the existing structures on site. However, if the proposal was otherwise acceptable, further information would have been sought in respect of the timber cladding, the material and construction details of the track, details of the feeding stations, picnic areas and sub-stations would have been sought and secured by condition. In addition, if the proposal was otherwise acceptable, amendments would have been sought in respect of the material of the proposed hard-standing area.

241 Officers consider that the proposed Tack Building and Stores due to its scale and siting and due to the lack of clarity in regards to the trees along the boundary, is considered to be an overly dominant addition when viewed from the rear garden of No.77 and as such is not considered to be an unneighbourly form of development which would result in a loss of outlook and undue sense of enclosure to No. 77 Ronver Road.

242 Officers do acknowledge that the proposed track is not considered to result in an unacceptable impact in terms of overlooking and loss of privacy and that the proposed opening hours to the public are not

considered to have an unacceptable impact on neighbouring amenity. This accords with the previous appeal decision.

- 243 The subject tree removals and un-restricted grazing, considered at their most intensive given the lack of clarity will give rise to an unacceptable loss of trees that make a significant contribution to the character and appearance of the area and are insufficiently mitigated by replacement trees and scrub planting to overcome the harm. As such the proposed development is considered to have a detrimental impact on the character and appearance of the site and would conflict with the TPO, MOL and SINC designations. A scenario where unrestricted grazing is unsuitable in the future would lead to pressure on the site and may give rise to future tree removals.
- 244 The proposed site layout is considered to be unacceptable and is considered to result in conflict between vehicles and vulnerable road users. In addition, the transportation position requires further assessment as it is lacking sufficient detail.
- 245 If the proposal were otherwise acceptable, a number of conditions would have been imposed so that the proposed development would have an acceptable impact in terms of biodiversity and ecology.
- 246 Officers highlight, that the amendments required to overcome the refusal reasons would amount to a materially different scheme, as such no amendments were sought.
- 247 On balance and in consideration of the benefits and harm of the proposal, the scheme is recommended for refusal.

14 RECOMMENDATION

- 248 The Committee resolve to **REFUSE** planning permission for the following reasons:
- 1) The proposed development would give rise to materially larger buildings on Metropolitan Open Land (MOL) in a configuration that will result in an urbanising visual impact and harm the openness of the MOL, contrary to Policies 7.16 'Green Belt' and 7.17 'Metropolitan Open Land' of the London Plan (2016), Policy G3 'Metropolitan Open Land' of the Draft London Plan (2019), Core Strategy Policy 12 'Open space and Environmental assets' of the Core Strategy (2011) and paragraph 145 of the National Planning Policy Framework (NPPF) 2019.
 - 2) The proposed tree removal and un-restricted grazing on the site would have a detrimental impact on the character and appearance of the site and would lead to a demise of trees which in turn detract from the TPO and MOL designations, contrary to Paragraph 170 of the National Planning Policy Framework (NPPF), Core Strategy

Policy 12 'Open Space and Environmental Assets' of the Core Strategy (2011) and DM Policy 25 'Landscaping and trees' of the Development Management Local Plan (2014).

- 3) The proposed site layout is considered to be unacceptable in terms of pedestrian and highway safety; and insufficient information has been submitted to determine the impact of the proposal on the safety of the users of the highway network, contrary to Paragraph 109 of the National Planning Policy Framework (2019), Core Strategy Policy 14 Sustainable movement and transport (June 2011) and DM Policy 29 Car Parking of the Development Management Local Plan (November 2014).
- 4) The proposed Tack Building and Store, by reason of scale and siting and lack of clarity about the trees along the boundary, is considered to be an overly dominant addition and unneighbourly form of development when viewed from No. 77 Ronver Road, resulting in harm to the residential amenities of No. 77 Ronver Road by way of a loss of outlook and increased sense of enclosure, contrary to Paragraph 127 of the National Planning Policy Framework (2019); Policy 7.6 'Architecture' of the London Plan (2016), Policy 15 High Quality Design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban Design and Local Character of the Development Management Local Plan (2014).