

PLANNING APPLICATIONS COMMITTEE MINUTES

Tuesday 22 September 2020 at 7.00 pm
Microsoft Teams: <http://ow.ly/kmcl30r7TcE>

PRESENT: Councillor Scarlett O'Hara, Councillor Jessica Leigh, Councillor Mohammed Seedat, Councillor Joanne Simpson (Vice-Chair), Councillor Becca Thackray and Councillor Clair Wilcox (Chair)

ALSO PRESENT: Councillor Timothy Windle

1. DECLARATION OF PECUNIARY INTERESTS

There were none.

2. BRIDGE OVER LARKHALL RISE (LARKHALL) 20/01016/FUL

Case No. 20/01016/FUL (agenda item two, page one of the agenda pack, page one of the addendum and page one of the second addendum).

The Planning Officer gave a presentation which included a summary of the report and subsequent addenda that had been published on Friday 18 September 2020 and the day of the meeting. Members were advised of the key material planning issues for consideration which included that the application requested a retrospective planning permission for the installation of metal fences on both sides of the railway bridge, erected in March 2019, following incidents of trespassing. The bridge was unlisted and located within the Rectory Grove Conservation Area and on the boundary to the Sibella Road Conservation Area. The fencing was considered to result in less than substantial harm to the significance of designated heritage assets. Officers were of the view that if repainted black, the identified harm would be ameliorated and a condition requiring repainting within a period of 6 months was recommended.

Following the officer's presentation, the objectors raised the following concerns:

- The structure was longer and three to 10 feet higher than the previous structure, and a calculated 50 times more steel was used than in the previous structure.
- It was important to preserve the setting of the heritage asset, as the bridge was the first noteworthy structure of the Conservation Area.
- The bridge provided an essential community link between Clapham North and the remainder of Clapham.
- It offered unbroken panoramic views to the north and south, enjoyed by those crossing the bridge. The current railings were inappropriate and unsightly, and the painting of a different colour could possibly make it more oppressive.
- Network Rail had corresponded with the residents advising that they had developed an alternative scheme. The Clapham Society agreed that the alternative would cause less harm to the heritage asset.
- The Committee should reject the retrospective application in light of an alternative, better option.

The applicant's representative then provided the following information in support of the application:

- The approval of the planning application would ensure that Network Rail was not in breach of planning law.
- A solution was required to minimise incidences of trespassing and suicide attempts while being in keeping with the Conservation Area.
- No further incidents had occurred in the location since the installation of the fences.
- Network Rail would submit a second application shortly and plan the work which would require a full closure of the railway line.

Councillor Timothy Windle then spoke as Ward Councillor for Larkhall, stating the following:

- The installed barriers were a mesh structure that were three feet taller than the previous installation.
- He disagreed that painting the structure black would eliminate the impact on the Conservation Area.
- The structure was installed due to eleven suicide attempts, where ten of these were by the same resident and the eleventh was an isolated incident where the wiring was cut. In over twenty years nobody had jumped off the bridge.
- It was possible for Network Rail to put forward a further proposal that delivered the safety benefits without impacting the Conservation Area.
- He requested that the Committee vote against the proposal.

Officers then provided the following information in response to questions from Members:

- Officers considered that a six-month time frame for requiring the re-painting of the fences was reasonable so as to allow time for the applicant to respond and attend to complying with the condition.
- There had not been another application put forward with alternative proposals and the Committee needed to consider the application before them.
- Officers were informed that the applicant had installed the guard railing without planning permission through community complaints. The Council's Enforcement Protocol encourages resolution through negotiation and regularisation. Officers considered the installations to be acceptable subject to being painted black and recommended this to the applicant.
- The Committee's decision in relation to this application would not prevent a future application being submitted for an alternative installation if Network Rail chose to submit such an application.
- The installation of apparatus to facilitate the 'greening' of the fence through planting had not been discussed and would likely present maintenance and access issues, as the footway was narrow and would impede movement.
- The prevailing colour of metalwork in the Rectory Grove Conservation Area was black.
- The British Transport Police confirmed the height of the fence was appropriate to resolve the issues of trespass and mitigate the suicide risk from the existing structure.
- This was an application for retrospective planning permission for a structure that had already been installed and so officers had not discussed alternative schemes with the applicant at pre-application stage.

- In response to a question from Members about whether a condition could be added limiting the permission to a temporary period, the Legal Officer advised that whilst as a matter of principle it was possible to attach a condition limiting the duration of a planning permission, it was necessary to consider whether doing so in this case would satisfy the tests for the imposition of a planning condition. Members were taken through observations in the Planning Practice Guidance concerning the circumstances in which the use of a temporary permission may be appropriate, and were advised that the facts of the application they were considering did not appear to point to there being a planning reason for limiting the duration of the permission. Members were further advised that in those circumstances, if they were not satisfied as to the merits of the application before them, the appropriate course of action would be to refuse consent.

The Committee considered points raised by speakers and information provided by officers in conjunction with the report before making the following observations:

- Members understood that they needed to assess the merits of the application presented to them but not all Members were satisfied with the aesthetics of the scheme or that painting the fencing black would mitigate its impact on the Conservation Area.
- The importance of preventing trespassing and suicide attempts was acknowledged.
- There was some disappointment that Network Rail had not produced a better-quality application rather than a retrospective application.
- Some Members did not believe that the public benefit was outweighed by the harm to the Conservation Area. The design was considered clunky and unpleasant for a highly visible residential setting.
- Other Members did not consider the fencing to be obtrusive and noted that it delivered safety benefits.
- It was asked whether it was possible to make the fence more attractive with greenery without affecting the ability to look out over the railway line, and for graffiti resistant paint to be used on the wall.
- An informative to be added to encourage the applicant to engage with local Ward Councillors and residents regarding whether there was a wish for greening of the fence and as to whether this was a feasible option for Network Rail.

It was MOVED by Councillor Wilcox, SECONDED by Councillor Thackray, and

RESOLVED, by five votes for to two against

1. To grant planning permission subject to the conditions as outlined in the officer's report and published addenda and the following:
 - i. An informative to encourage the applicant to engage with local Ward Councillors and residents regarding whether there was scope to increase the greening and planting along the fence.
 - ii. An informative for the applicant to consider applying anti-graffiti paint to the wall and railings.
2. To delegate authority to the Director of Planning, Transport and Sustainability to finalise the recommended conditions as set out in the report, addendums and/or PAC minutes.

3. APPEAL AND ENFORCEMENT DECISIONS JANUARY 2020

Members thanked officers for their work in upholding Council policies.

4. APPEAL AND ENFORCEMENT DECISIONS FEBRUARY 2020

Members thanked officers for their work in upholding Council policies.

5. APPEAL AND ENFORCEMENT DECISIONS MARCH 2020

Members thanked officers for their work in upholding Council policies.

6. APPEAL AND ENFORCEMENT DECISIONS APRIL 2020

Members thanked officers for their work in upholding Council policies.

CLOSE OF MEETING

The meeting ended at 8.42 pm

CHAIR
PLANNING APPLICATIONS COMMITTEE
Tuesday 24 November 2020

Date of Despatch: Wednesday 12 November 2020

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