

PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 28 FEBRUARY 2019 TIME 7.30 PM**

PLACE: **COMMITTEE ROOMS 1 & 2 - CIVIC SUITE**

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**Suzannah Clarke (Chair)
Tom Copley (Vice-Chair)
Obajimi Adefiranye
Tauseef Anwar
Andre Bourne
Liz Johnston-Franklin
Silvana Kelleher
John Muldoon
John Paschoud
James Rathbone**

The public are welcome to attend our committee meetings, however, occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

**Janet Senior
Acting Chief Executive
Lewisham Town Hall
London SE6 4RU
Date: Tuesday, 19 February 2019**

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	PLANNING COMMITTEE (B)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 28 February 2019

Members are asked to declare any personal interest they have in any item on the agenda.

(1) Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (a) Disclosable pecuniary interests
- (b) Other registerable interests
- (c) Non-registerable interests

(2) Disclosable pecuniary interests are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain.
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:-
 - (a) that body to the member's knowledge has a place of business or land in the borough; and
 - (b) either
 - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or

- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

(3) Other registerable interests

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council;
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party;
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

(4) Non registerable interests

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

(5) Declaration and Impact of interest on member's participation

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.

- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

(6) Sensitive information

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

(7) Exempt categories

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception);
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt;
- (d) Allowances, payment or indemnity for members;
- (e) Ceremonial honours for members;
- (f) Setting Council Tax or precept (subject to arrears exception).

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Committee	PLANNING COMMITTEE (B)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 28 February 2019

MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on the 10 January 2019, 15 November 2018, 23 May 2018 and 11 October 2018.

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (B) held in ROOMS 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU on 10th January 2019 at 19:30.
PRESENT: Councillors Suzannah Clarke (Chair), Tom Copley (Vice-Chair), Obajimi Adefiranye, Tauseef Anwar, Andre Bourne, Liz Johnston-Franklin, John Muldoon, John Paschoud and James Rathbone

OFFICERS: Mehdi Rezaie - Presenting Officer Planning Service, Jeremy Ward – Case Officer, Christopher Dale - _____, Paula Young – Legal Services and Jesenka Ozdalga – Committee Co-ordinator

APOLOGIES: Cllr Silvana Kelleher, due to other Committee commitments would arrive later.

1. Declaration of interests

1.1 No declarations of interests.

2. Minutes of the meeting held on 15 November 2018.

2.1 *Cllr Copley* asked for minutes to be corrected under Section 1 Declaration of interests to read: The Campaign for Real Ale.

2.2 *Cllr Paschoud* asked for clarification of two paragraphs under Section 2. Minutes to be corrected to read: Cllr Clarke (Chair) pointed out that planning permission conditions for the Ashmead Primary School application should be included in the minutes.

Cllr Silvana Kelleher arrived.

3. 1 Waldram Park Road, SE23

3.1 *Cllr Clarke (Chair)* clarified that the application is in Perry Vale Ward and not Forest Hill as listed.

3.2 *The presenting officer* introduced the details of the application.

3.3 *The case officer Jeremy Ward presented addendum report and amendments to this application:* The key point of addendum report is new recommendation B which gives authority to the Head of planning, once legal agreements are in place to grant permission subject to the conditions outlined in the original report. Amendments relate to the condition for “hours of operation” to be improved so the hours of operation are enforceable and condition relating to a road safety that highways officer requested. The addendum also refers to some

inaccuracies in the report regarding policies, highways and street design technical issues identified which should be included in Section 278 agreement and that is corrected in the report.

- 3.4 *Cllr Kelleher* asked for clarification on S278.
- 3.5 *The case officer* clarified that it is an agreement between the developer and planning and highways authority regarding improvements to the highway.
- 3.6 *Cllr Paschoud* clarified with case officer that Reason for condition no 14 – Hours of operation of the retail unit is given in the original report but not in addendum report. Case officer clarified that only correction to the wording of the condition is included in the addendum report. It is further clarified that addendum report is replacing condition 13 of the original report relating to the hours of the operation and not condition 14 as stated.
- 3.7 *The presenting officer* introduced further details of the application and noted that during initial statutory consultation period no objections had been raised by Highways, Environmental Health and Protection or Drainage. Non-statutory bodies, Thames Water, Met Police, London Fire and Emergency Services and Transport for London were also consulted and raised no objections. 12 objections were received by local residents and businesses regarding highways matters, air quality, loss of retail unit, scale, design and principle of development.
- 3.8 *Cllr Paschoud* clarified with presenting officer use of branding in the planning application, as “Co-Op” is mentioned in paragraph 4.1 of the original report. The case officer clarified that it is a Class A1 unit and reference to Co-op is not a planning matter.
- 3.9 *Cllr Paschoud* asked for his interest as as a Labour and Co-operative Party member to be recorded. *Cllr Muldoon* and *Cllr Copley* asked for their interests as Labour and Co-operative Party members to be recorded as well.
- 3.10 *Cllr Kelleher* asked for a clarification on the bin collection. The case officer clarified that there is a servicing internal corridor adjacent to the shop.
- 3.11 *Cllr Johnston-Franklin* asked for a clarification on the use of 6th floor space on the corner. The case officer clarified that it is a small lift plant space for the operation of the lift and architectural feature on the corner.
- 3.12 *Cllr Johnston-Franklin* asked for a clarification on landscaping and as this is a busy road if there is going to be a site barrier. The presenting officer clarified that pavement would be widened and there would be a barrier.
- 3.13 *Cllr Clarke (Chair)* asked for the width of the pavement area on the frontage of the main road. The case officer clarified that footpath is approx.3m wide with a colonnade that creates an additional area.
- 3.14 The members received verbal representation from the applicant Mr. Johnny Srikrishna representing their family business that has been in the area for 30 years and on the specific site for over 20 years. They used to run a BP petrol station, after which they ran a convenience store for 2 years before leasing it to Co-Op. The applicant had discussions with the council, community and Forest Hill Society on appropriate land use and decided on a hotel scheme to provide community meeting space, café, bar and casual dining. The applicant believes having hotel in this location is supported by London Plan. From the commercial perspective, they spoke to number of hotel providers, but mostly to IHG (International Hotel Group) who has Holiday Inn Express franchise and Hilton Group who has Hilton by Hampton franchises. Both are shortlisted and very interested and hotel was designed to the Holiday Inn Express specifications. As a family business they are committed to the area and chose an architect Ian Marc Petroschka who has experience in Lewisham and had worked on a similar scheme in Brockley. When choosing material and style for the

building they wanted something that would be an asset to the area, so brick and re-constituted stone for detailing around windows would be similar to those on the neighboring buildings. At the same time they wanted to add something modern which is reflected in colonnade and glazed front at the ground floor. The scheme would have wider benefits, apart from this corner being redeveloped, they would add 170 sqm to the public realm and double the number of jobs.

- 3.15 *Cllr Muldoon* declared personal interest as member of IHG and Hilton loyalty scheme.
- 3.16 *Cllr Kelleher* expressed support for this scheme and applicant that care about the local area, but was concerned about traffic.
- 3.17 *The Applicant* clarified that they did a Parking survey which is in line with Lewisham Policy and which found parking provision to be sufficient. They considered underground car park but hotel providers based on their experience, hotel format and location did not recommend it. In addition, they did a feasibility study which supported location of the hotel and looked at Perry Vale car park behind the station, the plan is to hire from them if any hotel guests require parking.
- 3.18 *Cllr Paschoud* acknowledged amount of thought put into how this scheme can be of a local benefit, and to refer to previous discussion about brand of the convenience store asked if they had any thoughts or discussions about potential operator, how it would be operated and how would the offer compare to the local places.
- 3.19 *The Applicant* confirmed that they run this size of convenience store around the south east, it would be operated by them and there would be an equivalent of offer including fresh, ready meals and other provisions.
- 3.20 *The Applicant's architect* advised that Waldram Park Road pedestrian route would be 3m wide and they will add another 3.5m. The bins are located at the very northern part of the site to be out of way, but between the supermarket and the hotel is a 3.5m wide strip and bins would be brought during servicing days.
- 3.21 The members received verbal representation from the objector, Mr. Peter Sullivan, local resident, living on a Rockbourne Road with his house parking on Stanstead Road. The objector asked for correction of distance of 50m between hotel and the rail station. Cllr Clarke (Chair) clarified that PTAL ratings are formally set for how close and easily accessible the public transport is and used to tell us where a development can be located in relation to the public transport. The objector, being disabled person himself, raised question on the number of disabled people parking spaces in the hotel in case there are disabled employees of the hotel and for the guests. Furthermore, he raised concerns about parking and the fact there is already no space for people to park in the area (his marked dropped curb on Stanstead Road is being blocked four times a week) and if there is a space and need for another premises like bar, hotel. Another hotel called Forest Hill hotel down the road closed because they went out of business.
- 3.22 *The presenting officer clarified* that there is one disabled parking bay provided on the street even though it is not necessarily a planning policy requirement under our parking standards. In regards of the commercial aspect and need, it is in Spatial Policy 3 that such proposals would be welcomed in the area and therefore principle of the development is acceptable in the planning terms.
- 3.23 *Cllr Adefiranye:* Parking for people with disabilities is very important. In a hotel with 89 bedrooms and all the facilities what is a demand for parking space and parking for people with disabilities should be a high priority.

- 3.24 *Cllr Clarke (Chair)* asked for clarification on a need for a development like this to provide certain number of parking spaces for disabled people and asked if there is a drop-off and pick-up point for people with mobility issues.
- 3.25 *The presenting officer:* From the planning there is no need to provide a disabled parking space, but one is being provided here. Drop-off and pick-up point is on the side of the property and that is technically a need. From planning perspective to warrant a refusal on something that is not in our policies is difficult and opens a challenge for an appeal.
- 3.26 *Cllr Rathbone* asked for clarification that there is no such requirement in Lewisham Plan, London Plan or National plan for workplace or hotel or any class usages which this development would fall under.
- 3.27 *The planning officer:* There is none under the circumstance. It is important to note that we consulted Highways authority and engineer who do look at parking matters and is supported by TfL given that it is sustainable transport location.
- 3.28 *Cllr Kelleher* shared the previously mentioned concerns, pointed out that if a lorry comes for delivery and supermarket and somebody comes for drop-off there is not going to be enough space, and if they have a disabled worker they would need a parking for a disabled guest. With understanding of the restrictions in terms of planning Cllr Kelleher would like her shared concerns to be noted.
- 3.29 *Cllr Paschoud said that* the local resident raised some valid points regarding parking for disabled people including himself. Rockbourne Road and Stanstead Road are borough roads and Waldram Park Road is a TfL road. If the Council can identify need for more parking bays for disabled users on those roads, creating appropriate marked bays, it is not necessarily something that would be connected to or influenced by this development whether we approve it or not.
- 3.30 *Cllr Johnston-Franklin* pointed out that this is a hotel with one disabled parking bay for guests and staff, viability of ensuring we are meeting the requirements in terms of equality should be considered and shared concerns about the lack of facilities for disabled parking.
- 3.31 *Cllr Copley:* It was made clear that this is not a material consideration, but as our local plan is under review at the moment, maybe this is something we can think about going forward as a part of it.
- 3.32 *Cllr Rathbone* acknowledged Cllr Copley's comment: As we may not like the provision of the disabled parking space, it is not material consideration nor it is a requirement of Local plan, London plan or National plan and there is no benefit to the Committee to continue the discussion unless there is another comments. It is clearly a benefit to the local economy, there is a huge need for more hotel rooms across the city and it does not appear to be any valid objections or grants for refusal under planning law.
- 3.33 *Cllr Rathbone* moved motion to approve officer's recommendation. This was seconded by Cllr Paschoud. Members voted as follows:

For: Councillors Copley, Adefiranye, Clarke (Chair), Anwar, Bourne, Johnston-Franklin, Kelleher, Muldoon, Paschoud, Rathbone.

Against: None

Vote was unanimous.

RESOLVED: Approve application DC/18/106467 subject to the conditions from the officer's original and addendum reports.

4. Rear of 110 Wood Vale, SE23

The presenting officer introduced the details of the application. There is an addendum to read to members which refers to page 59 under section 5.12 list of the relevant policies, the case officer omitted to place in the DM Policy 33 which is entitled infill, backland, back garden and amenity area. Officers can confirm that policy has been looked into and there is no material change in their recommendation. During the consultation period, no objections were raised from Highways (subject to conditions) or Environmental Health and Protection. The Forest Hill Society made no comments. 5 objection letters were received from local residents raising concerns about overshadowing, overdevelopment, overlooking, parking, design and loss of employment. The officers consider the principle of development acceptable, that design and architectural detailing are of high quality and in context and the applicant had overcome previous reasons for refusal.

- 4.1 *Cllr Bourne* asked for clarification on width of a Moonlight Drive and emergency vehicle access.
- 4.2 *The presenting officer* advised that Highways officers carry out those assessments and they did not come back with concerns, the drive is wider than an average car, with an approx. guess the drive is 5-6m wide.
- 4.3 *Cllr Bourne* asked for clarification whether, in terms of objections and privacy to rear gardens, any windows of the development overlook the rear gardens on Wood Vale. *Cllr Clarke (Chair)* also asked for clarification on the balconies overlooking.
- 4.4 *The presenting officer* advised that there are windows on the side of the development but officers are satisfied with the distances in terms of privacy issues. There is approx. 20m if not more to the end of the curtilage of neighbour's site and then 15m or more from there onwards.
- 4.5 *Cllr Kelleher* supported *Cllr Bourne* and raised concerns in terms of emergency vehicles being able to get in, turn around and get out.
- 4.6 *Cllr Clarke (Chair)* clarified from previous similar example on the committee that emergency vehicular access is not needed, fire brigade only needs to be able to get fire hoses within the certain distance to the building.
- 4.7 *Cllr Johnston-Franklin* stated that 4 out of 7 units will not have a dual aspect and that in report under paragraph 6.37 is stated that a number of bedrooms will be served by angled windows and asked approx. what would that number be.
- 4.8 *The presenting officer* clarified that there would also be skylights placed in the roof which would complement angled windows.
- 4.9 *Cllr Copley*: It states that bedrooms with angled windows would be within dual aspect flats, does that mean that single aspect flats don't benefit from these angled windows.
- 4.10 *The presenting officer* clarified they would only be within dual aspect flats.
- 4.11 The members received verbal representation from Ms Olivia St Armour, planning consultant at Rapleys, the agent for this application. The applicants who were also present at the meeting were born and grew up in the area. This is the second application submitted for the residential redevelopment of this site, the first was refused in March 2018 and had one single reason for refusal which is, in summary, that the impact of the additional height of the development would be overbearing and harmful for the property at 8 Langton Rise to the southwest. The current application successfully dealt with the reason for the refusal by removing the projecting second floor element immediately behind 8 Langton Rise. The property height at this point is the same as the existing building. This reduced impact on no.8

Langton Rise has been achieved by redesigning the development and changing the mix of units. One 3 bedroom unit is replaced with one 2 bedroom unit. Regarding the concerns raised by local residents on Wood Vale, the proposal was sensitively designed to ensure that there is no material adverse impact on the amenities of all residents, for example, the separation distance from the rear boundaries of the properties fronting onto Wood Vale would be around 20m with a distance of around 30m to the rear wall of these properties. Equally, the recently approved application for the new dwelling at the rear of 122 Wood Vale shows no side windows facing the application site. The proposal would see change of use of a vacant industrial unit, following an unsuccessful two year marketing exercise. This is partly due to poor vehicular access and proximity to residential neighbours as well as the poor visibility from the road. The restoration of the existing industrial use would be more harmful to the neighbours in terms of noise and disturbance. The currently vacant site has very little prospect of productive employment use, and the proposed land use would make a positive contribution to the borough's housing needs. The site is partly within a conservation area but it is screened from most public vantage points. The scale and massing is appropriate and architectural detailing is of high quality. The proposal would preserve and enhance the conservation area. It should also be noted that each unit achieves required internal and external space. The site has good access to public transport and sufficient parking on the street. Therefore, members are encouraged to grant planning permission for the development in line with officer's recommendation.

- 4.12 *Cllr Kelleher* raised concerns regarding land contamination as it was previously an industrial site.
- 4.13 *The agent* clarified that there is a condition in the report regarding land contamination that requires relevant assessments to be done.
- 4.14 *Cllr Kelleher* raised concerns about equality issues by having 3 bedroom unit on the upper floor and no lift.
- 4.15 *The Architect* who designed the proposal clarified that there is no need to provide a lift on the development of this scale and in the terms of the units, two ground floor units are one family unit and one bedroom unit which is specifically designed to be accessible for disabled person.
- 4.16 The members received verbal representation from the objector *Keith Boniface*, resident of 124 Wood Vale, property adjacent to the proposed development: Local residents are disappointed to see that the developer did not take into consideration their objections, in the previous application sunlight and daylight report is misleading, ignores impacts on the gardens of Wood Vale, and the bulk of an additional floor will create additional problem. The end of the garden is used to grow vegetables, and with this development it would be completely shaded. *Cllr Clarke (Chair)* added that members could look at Google Earth to see better what it looks like. The objector continued with concerns about balconies and the windows impact on privacy and overlooking on their gardens and the noise impact of the people on the balconies. The reason why local residents did not object to the original building being built is that workers would be working during the day and there would be no noise impact in the evening. With other plans for residential properties being built behind 112-122 Wood Vale this is considered an overdevelopment in the area.
- 4.17 *Cllr Rathbone* asked for a clarification from the officers regarding overlooking to the rear gardens and whether that is something covered by the planning regulations or relates only to the houses, for example overlooking to a window.
- 4.18 *The planning officer* clarified that it is correct but is also extends onto the potential overshadowing issue including the potential privacy intrusion aspect.

4.19 Cllr Clarke (Chair) pointed out to paragraph 6.74 that gives details of sunlight and daylight.

4.20 Cllr Copley moved the motion to approve officer's recommendation. This was seconded by Cllr Muldoon. Members voted as follows:

For: Councillors Copley, Adefiranye, Clarke (Chair), Anwar, Bourne, Johnston-Franklin, Kelleher, Muldoon, Paschoud, Rathbone.

Against: None

Vote was unanimous.

RESOLVED: Approve application DC/17/107209 subject to the conditions from the officer's report.

5. 59 Quentin Road, SE13

5.1 *The presenting officer* introduced the details of the application. The application received 4 objection letters from local residents raising concerns on material planning issues like overshadowing and noise and disturbance and non-material issues like land ownership, access for maintenance personnel, trespass and loss of view. Paragraph 5.2 of the officer's report responds to these concerns.

5.2 *Cllr Kelleher* asked for a clarification on the ownership and ability to build on someone else's space.

5.3 *Cllr Clarke (Chair)* clarified that ownership is not clear and from planning committee perspective it makes no difference. It is possible to apply for planning on someone else's land, but issue would raise when you want to build it and it is a civil matter. The ownership is irrelevant from planning perspective.

5.4 *Cllr Rathbone* asked for a clarification on why this application was brought to committee as it doesn't seem to raise any real issues or valid objections.

5.5 *The presenting officer* clarified that potential overlooking and overshadowing issues raised by objectors are valid objections.

5.6 *The legal officer* further clarified that it is the number of objections that sends applications to the committee.

5.7 *Cllr Adefiranye* moved the motion to approve officer's recommendation. This was seconded by *Cllr Johnston-Franklin*. Members voted as follows:

For: Councillors Copley, Adefiranye, Clarke (Chair), Anwar, Bourne, Johnston-Franklin, Kelleher, Muldoon, Paschoud, Rathbone.

Against: None

Vote was unanimous.

RESOLVED: Approve application DC/18/107273 subject to the conditions from the officer's report.

The meeting ended at 21.20.

10 January 2019.

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (B) held in ROOMS 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU on 15th November 2018 at 19:30.

PRESENT: Councillors Suzannah Clarke (Chair), Tom Copley (Vice-Chair), Obajimi Adefiranye, Tauseef Anwar, Andre Bourne, Liz Johnston-Franklin, Silvana Kelleher, John Muldoon, John Paschoud and James Rathbone

OFFICERS: Suzanne White - Presenting Officer Planning Service, Kheng Chau – Legal Services and Jesenka Ozdalga – Committee Co-ordinator

NO APOLOGIES.

1. Declaration of interests

Cllr Copley declared being a member of **The Campaign for Real Ale**.

There were no other declarations of interests.

2. Minutes of the last meeting

Cllr Clarke (Chair) asked for an amendment to include conditions from the Councilors for the Ashmead Primary School application that was resolved for approval.

Cllr Paschoud asked for an amendment of the part where it states “Minutes of the Planning committee B – closed meeting”, to read: Minutes of the Planning committee B.

3. 88 Springbank Road, SE13

The presenting officer outlined that the application is for change of use from retail use (Class A1) to micro pub (Class A4), together with installation of a new window to the side elevation and new door to the rear elevation. The officer further clarified that the site is within an existing parade with residential use above and that the application relates to the commercial unit only that has been vacant for some time. It is proposed to divide the existing ground floor into 3 areas where the largest space with a bar would be in the front, toilets would be in the middle and snug at the rear. The existing basement is proposed to be used as a cellar. There are no changes to the front elevation except for the door location.

The presenting officer outlined that 19 objections were received, a petition of 29 signatures against, 28 letters in support and 20 people attended a local meeting. Objections are in regards to the noise and disturbance, increased parking demand, opening hours, risk of setting a precedent and security issues.

Officers' view is that:

- the principle of the development would be acceptable
- it would improve the local economy
- there is no Class A4 use in the wider parade area,
- amendments to the proposal to limit access to the rear yard and remove the smoking area will reduce impact on neighbors
- operational plan and noise assessment reports were submitted, Environmental health officers reviewed it and conditioned details for ventilation system
- Highways were consulted and estimated that customers would come from local area using public transport and as such they considered that there will be no material impact on the traffic and raised no objections subject to conditions.

Cllr Kelleher outlined that she used to live in the area and that between Hither Green Lane and Hither Green Station there are no drinking establishments.

Cllr Johnston-Franklin raised a question in terms of the residents that are living above the establishment and how many of them have children which raises concerns about noise and opening hours, with further comment that if it is a drinking establishment, there is no need to be open at 8am.

The presenting officer clarified that there are measures that can be conditioned to reduce impact on neighbors, such as restricting opening hours and requiring soundproofing of walls and ceilings and that there should be balance between supporting local economy and impact on residents.

Cllr Copley pointed out that licensing would be able to restrict the hours when alcohol can be sold.

Cllr Adefiranye pointed out that local people whose life would be impacted should be considered in regards to the proportion of objections received.

The presenting officer clarified that in the local meeting, they had both objecting and supporting comments from local residents.

Cllr Rathbone raised questions about sound insulation and if Environmental Health officers were satisfied with the original and amended proposal, as well as if we know what is the use of the rooms above. The presenting officer clarified that there are 2 aspects, one of which is a condenser unit and that further details can be required through a condition. Another aspect is that there is not enough ceiling space for sound insulation to achieve 10db reduction over the building regulations requirement, though an improvement of 5db could be achieved. Furthermore, the presenting officer clarified the room above is a habitable room and that with the lower level of noise expected in the snug, and a condition to prevent use of an amplified sound system, these measures should be sufficient in reducing noise impact to an acceptable level for the residents.

Cllr Kelleher raised a question as to where the smoking area would be after the amendments. The presenting officer clarified that customers would have to use the footpath in front of the establishment.

The committee received verbal representations on behalf of the applicant. Pete Hadley – agent highlighted that the application was prepared with support of 3 councillors, that a micro pub would contribute to the viability of the parade, that changes were considered in order to address the concerns, access to the rear garden was removed from the application, refuse will be kept in the cellar area, an operational statement was provided, staff will supervise customers and no anti-social behavior would be allowed, and Environmental health officers were satisfied with sound insulation measures and the condenser unit.

Jenny Marsden, resident of Springbank Road highlighted that she is supporting this development, that sound and traffic impacts were mitigated, that opening hours are shorter than some shops on the road, that it would create 7 jobs, be a place for people to gather and improve and prevent further erosion of the street.

Paddy - local resident highlighted that families in the area are desperate for a facility like this, that the parade needs regeneration and investment and it would feed more into local economy.

Councillors did not have any questions.

The committee received verbal representations on behalf of the local residents Mark Glaysher and Ross Cameron.

Ross highlighted that he is a resident above the adjacent unit to the application property and that they are already experiencing a lot of noise from the cab office below. He raised concerns about noise from the busy pub and smoke that would come straight into rooms. It was also pointed out that some impacts were addressed by the applicant later and residents were not informed about it. Furthermore, it was highlighted that this proposal is creating a risk of a breach of human rights to use the property, insulation has to be provided to the bedroom above and assessment for breakout noise

should be made as rooms above would not be able to open the windows in the summer due to the noise. It was also highlighted that the snug would overlook the children play area.

Cllr Johnston-Franklin asked for confirmation about noise they are currently experiencing and if noise is their main objection.

Ross clarified that they hear noise from the street and commercial unit below everywhere in their flat, that they had to soundproof their bedroom and confirmed that their main objections are noise and smoke from the outside.

Cllr Silvana Kelleher highlighted that she knows the area well and that the area suffered economically in the 80s and never recovered and asked if local representatives think that this may help bring the life to the area.

Mark pointed out that regeneration of the area is the priority but for the right proposal. Ross added that there are no empty units on the parade and there isn't anything that needs further regeneration.

Cllr Clarke (Chair) pointed out that the opening hours proposed by the applicant did not match those in the proposed condition and that a supporting letter from the ward councillors is distributed to everyone at the table.

The presenting officer clarified that the applicant has submitted their opening hours but that officers considered it was appropriate to condition longer opening hours (opening from 8am each day) as this would not cause harm to amenity and would enable the applicant to provide other services such as a café style offer during the day, which would improve the viability and activity of the parade.

Cllr Anwar asked what is the procedure following the approval of the application and is it possible to condition monitoring of the development in 3 or 6 months.

SW clarified that we cannot put a monitoring condition as such, but if a breach of any condition were notified to the planning enforcement team, it would be investigated.

Cllr Adefiranye raised a concern about smoking outside the premises and that smoke would go up to flats and asked if we can put a condition on that.

The presenting officer clarified that the property is on a public street and reasonably busy route and that it would not be possible to construct the condition to prevent smoking on the street.

Cllr Copley added that it is probably an issue for the licensing department when it comes to smoking and drinking outside the premises.

Cllr Kelleher suggested to install an extendable canopy in front of the premises to prevent smoke going to upper flats.

The presenting officer clarified that it is for the applicant to consider such suggestion but that it cannot be conditioned as part of this application. Furthermore, the presenting officer clarified that there is already a condition in place to prevent people accessing the rear, for refuse to be kept in the basement and that the report covers details such as vacant units on the parade.

Cllr Clarke (Chair) highlighted that noise issues, the snug being under the bedroom, smoke issues and overlooking should be discussed further.

The presenting officer clarified that when it comes to the noise assessment, it is detailed in the addendum report, that Environmental health, considering the size and the use of the room and limited ceiling space accept a 5db improvement as sufficient.

Cllr Clarke (Chair) required further information on overlooking and the presenting officer clarified that the existing window would be the snug window and the rear garden is approx. 15m long to the rear

boundary, therefore given the distance it should mitigate overlooking. It was subsequently clarified that the distance from the rear elevation of the application unit to the rear elevation of the dwelling to the rear is 30m.

Cllr Copley suggested conditioning shorter opening hours for the snug, as there is a bedroom above the snug and sufficient sound insulation cannot be provided.

Cllr Paschoud highlighted that the report was clear and thorough and it seems that issues with the snug were addressed, and that the conversation is going beyond planning considerations for the change of use. Furthermore, there are other council services who deal with issues that are raised. Cllr Paschoud suggested adding an informative to the applicant to do their best to prevent smoking outside as we cannot condition it.

Cllr Rathbone and Cllr Copley raised a question about how the wording of the condition for the use and opening hours of the snug would be added and they further suggested not to leave that question to the licensing department and that it should be conditioned within the application. Cllr Rathbone further suggested to reduce one opening hour each day for the snug.

Cllr Anwar expressed his disagreement for a condition on the opening hours of the snug for a reason that evening is the main time when pubs are operating.

The presenting officer highlighted that Condition 7 in the main report covers the opening hours for the whole premises and the area labeled as a snug should be only be opened during certain hours. The presenting officer also clarified that opening of the premises during the day would be preferable to maintain viability.

Cllr Copley suggested to pass approval with condition on opening hours until 10pm for the snug and moved motion to approve officer's recommendation. This was seconded by Cllr Adefiranye.

Members voted as follows:

For: Councillors Copley, Adefiranye, Clarke (Chair), Anwar, Bourne, Johnston-Franklin, Kelleher, Muldoon, Paschoud, Rathbone.

Against: None

Vote was unanimous.

RESOLVED: Approve application DC/17/104854 subject to a condition restricting opening hours for the snug until 10pm any day.

4. 34 Sunderland Road, SE23

The presenting officer outlined that this application is for alterations and conversion of the existing 2 residential units into 1 x one-bedroom and 2 x two-bedroom units. The property is a large two-storey detached Victorian building, located on the west side of Sunderland Road with PTAL 3-4. The proposed side extension is to accommodate an internal staircase for upper flats and would be set back from the front elevation. The ramp to the entrance hall is proposed with a low retaining wall separating it from the front yard parking area. Meeting rooms at the ground floor would remain the same, and on the first floor it is proposed to provide a larger 1 one-bedroom and 1 two-bedroom unit. On the second floor and in the roof extension another two-bedroom unit is proposed. The treatment of the proposed front elevation with side extension and rooflights would match the existing property. To the rear elevation, a large rear roof extension is proposed set in from the sides and eaves and clad in zinc with two rooflights. To the side elevation 5 new windows and rooflights are proposed to be installed and to the south elevation 2 new windows and a rooflight are proposed.

The application received 3 objections from local residents in regards to overlooking, scale of the dormer and being overdeveloped with further extensions.

Highways were consulted and were satisfied with a proposal, subject to conditions.

Officer's view on the principle of the development is that it would increase the size of the existing one-bedroom unit which is considered an improvement, that design is acceptable and sensitive to the

character of the property, that there are no parking issues and no material issues to local neighboring amenities.

Cllr Copley asked for clarification of paragraph 6.8 whether it can be established or not if the use is lawful.

The presenting officer clarified that there was no planning permission, but Council Tax has been paid for several years and on balance officers are satisfied that the use has likely been in place for 4 years and would be lawful.

Cllr Copley raised concern about loss of family sized three-bedroom property and what policy we have to protect those units.

The presenting officer clarified that policies are against subdivision of houses, and flats are not protected.

Cllr Paschoud asked for clarification on which windows are overlooking and what kind of rooms are behind those windows, and if they are stairways or bathrooms.

The presenting officer outlined which windows would potentially overlook the neighboring property.

Cllr Rathbone asked for clarification on paragraph 6.33 and whether new units would meet required standard sizes.

The presenting officer clarified that the existing one-bedroom unit does not meet required size, but the enlarged unit proposed would.

Cllr Johnston-Franklin raised concern on lack of amenity space and increase in accommodation and it seems not to be considered as part of the proposal from developers.

The presenting officer clarified that there was no amenity space attached to the existing property.

The committee received verbal representations on behalf of the applicant, Richard Martin, member of Forest Hill Friends Meeting House and the architect Nicholas Jamieson. Richard highlighted their involvement with the community and work with groups helping refugees. Meeting rooms on the ground floor are used by a wide variety of groups for mutual support and afterschool activities. Meeting House is very active with families and children who are part of the church and the objective of this application was to use empty space above the meeting area and to make that available for housing in the local community and in order to improve the quality and quantity of the housing offered. It was important to separate the housing which led to the need for a staircase. Meeting House is looking to generate income from the flats that will be needed to support society friends. Furthermore, it was highlighted that the society has a strict approach to maintenance of their buildings and all their properties are subject to maintenance every 5 years.

Cllr Kelleher raised two questions, first on the noise impact, and second on whether the housing would be for low-income members.

Richard Martin clarified that their meetings are held quietly, that activities in their meetings don't involve noise, that activities are not happening late in the evening and that they will take interest in who would rent the flats. Furthermore, Richard clarified that in terms of rental intention, at the moment they are looking into a number of alternatives and they will set the policy.

Cllr Clarke (Chair) highlighted that rentals are not within the scope of planning committee.

The committee received verbal representations on behalf of the local residents, Jason Kee and Paul Bolger, owners of property at 32 Sunderland Road.

Cllr Clarke (Chair) asked for clarification of overlooking issue.

Jason clarified that the proposed north elevation window on far right, is overlooking directly on their patio and hallway, one large window at the bottom is 3.75m opposite our bathroom, velux window looks directly into bathroom and that placement of proposed windows is perfectly opposite.

Cllr Bourne asked about which room is to the far right and the presenting officer clarified that it is a kitchen and that that window will be obscured glazed.

Jason furthermore explained that they don't object to the proposal in principle, but they object to the proposed fenestration and rooflight. They further propose that the rooflight could be moved to the east facing roofslope and that the far right kitchen window is superfluous as that space already has another three windows. Bathroom windows need to be open in the summer and for ventilation and therefore, they are recommending a condition on the proposed windows to be obscured glazed and fixed shut only to provide light into the staircase.

Cllr Paschoud asked if some windows don't have conditions, and if we could put a condition on them to be obscured glazed.

Jason Kee clarified that the stairway windows don't have a condition.

Cllr Clarke (Chair) clarified that neighbours want those windows to be fixed shut as well and that stairways need some ventilation.

The presenting officer clarified that it can be added as condition that windows are obscured glazed and fixed shut to a set level with fanlight opening.

Jason Kee added that the rooflight should be obscured glazed too.

Cllr Paschoud highlighted that there should not be any changes to move rooflights to the front elevation.

Cllr Clarke (Chair) asked the applicant and architect whether they would accept the stairway windows being obscured and fixed shut and what comment would they have on the rooflight.

Architect Nicholas Jamieson clarified that windows on the stairways have to be openable by fire regulations to vent the smoke out, and in order to protect privacy there are other solutions and agreed for the rooflight to be obscure glazed.

Cllr Clarke (Chair) proposed to put a condition on the stairway windows and rooflight to be obscured glazed and there will be no condition on limiting their opening.

Cllr Paschoud moved the vote for the application to be approved, with the additional restrictions on the windows conditioned. This was seconded by Cllr Muldoon.

Members voted as follows:

For: Councillors Copley, Adefiranye, Clarke (Chair), Anwar, Bourne, Johnston-Franklin, Kelleher, Muldoon, Paschoud, Rathbone.

Against: None

Vote was unanimous.

RESOLVED: Approve application DC/18/106214 subject to condition on stairway windows and rooflight at the north elevation to be obscured glazed.

5. 51 Bargery Road, SE6

The presenting officer highlighted that this application was deferred at the last committee. Officers negotiated with the applicant to remove the gable end window and instead insert a rooflight on the side gable roofslope.

Cllr Paschoud clarified that at the last committee meeting the applicant was asked to revise the proposal which is now done and moved the vote for the application to be approved. This was seconded by Cllr Muldoon.

Members voted as follows:

For: Councillors Copley, Adefiranye, Clarke (Chair), Anwar, Bourne, Johnston-Franklin, Kelleher, Muldoon, Paschoud, Rathbone.

Against: None

Vote was unanimous.

RESOLVED: Approve application DC/18/105821.

6. Unit 2 Grosvenor Court, Adenmore Road, SE6

The presenting officer outlined that these are two applications, one full application and one advertisement consent for the installation of a new shopfront and ATM, at the Catford Green development, between Catford and Catford Bridge stations, at the front elevation of the ground floor unit. The proposal is retaining the shopfront as it was approved in the original application, with installation of an ATM and change of width of the sliding door. It would be a Sainsbury's shop with their typical signage. The ATM would include CCTV above it. To the side elevation there is no proposed change to the previously approved shopfront. To the rear elevation, next to the service area 2 ventilation louvres are proposed.

The application received 3 objections from local residents in regards the ATM may attract anti-social behavior and advertisement light may disturb sleeping at night.

Highways were consulted and raised no objections.

Officer's view is that proposed illumination levels are low and acceptable.

Cllr Rathbone added that inclusion of retail was originally part of the development, and any future resident was aware of that.

Cllr Kelleher added that the corner sign is small in size and its light would not affect residents above.

Cllr Johnston-Franklin raised question about the location of the ATM and if that location would be unsafe for people trying to take their money out.

The presenting officer pointed out that the area around the ATM is open and the ATM includes lightning and CCTV.

Cllr Bourne moved the vote for the application to be approved. This was seconded by Cllr Copley.

Members voted as follows:

For: Councillors Copley, Adefiranye, Clarke (Chair), Anwar, Bourne, Johnston-Franklin, Kelleher, Muldoon, Paschoud, Rathbone.

Against: None

Vote was unanimous.

RESOLVED: Approve applications DC/18/108247 and DC/18/108259.

7. 1 Tyrwhitt Road, SE4

The presenting officer highlighted that this is an application for the change of use and conversion of the ground floor unit from A1 retail to a residential unit and alterations to the shop front. The property is located on the eastern side of Tyrwhitt road, in the Brockley Conservation Area and is subject to an Article 4 Direction. It is a three-storey Victorian property with retail unit at the ground floor that operated as an off-licence shop and has been vacant since July 2017. There are some existing shops nearby on Loampit Hill.

It is proposed to convert the retail unit to a two-bedroom flat at the ground floor with an extension to the rear. A front yard would be established with boundary treatment. The first and second floors are proposed to remain as existing with only window replacements. At the front elevation, elements of the traditional shopfront would be retained and restored with some obscured glass inserted.

The application received 2 objections, 1 from a local resident and 1 from The Brockley Society in regards lack of justification for change of use and loss of employment.

The presenting officer outlined that the applicant did not submit marketing evidence, but they submitted a viability statement to justify the loss of the retail unit and on balance it is considered acceptable to justify the change of use. In regards to design, reinstating timber sash windows is an

improvement, the front boundary treatment would be in keeping with local character, the standard of the accommodation is good and there would be no negative impact on neighbours.

Cllr Johnston-Franklin recalled that the property was under offer for a long time, so it could have been a restriction for people who may have wanted to occupy it as a business in that very viable situation.

The presenting officer clarified that they only have confirmation that the occupiers were out of business for some time.

Cllr Adefiranye pointed out that Tyrwhitt road is a residential road in the Brockley Conservation Area and that this proposal would be harmful, front wall details should be looked at in more detail and that Brockley Society is one of the biggest consultees for the Council and they were concerned about loss of employment.

The presenting officer clarified that it is officer's opinion that the proposed front boundary treatment fits in well with existing properties but it is possible to condition some of those details.

Cllr Kelleher shared concerns raised with Cllr Johnston-Franklin and asked for clarification on a large garden behind and if access is restricted.

The presenting officer showed drawings and Cllr Clarke (Chair) confirmed that there is no garden, it is an outdoor space.

The committee received verbal representations on behalf of the applicant, Jo Townshend, architect and agent of Mr and Ms Patel who own the building for 30 years and they have an ongoing interest in the property. They are aware of community concerns, they have worked with officers to redesign the proposal from the first application. Hard work was put in to be respectful of the tradition of the shopfront and providing what would be someone's home. The previous occupier who was leasing the property had struggled with viability, they tried to market the property and it wasn't considered to be viable. They consider that DM 16 relates to a parade of shops and this is one shop sitting on its own, behind the main busy parade, where most successful shops are and it doesn't attract the same level of interest. There is a shop on the corner that has been empty and has a much better location. The application would provide good quality accommodation in the area with a good PTAL rating.

Cllr Rathbone raised a question on how many commercial agents were approached to market the property. The agent did not have an answer.

Cllr Adefiranye raised concerns on the fact that the original scheme had a solid wall and brick panels, and it is replaced with railings and that the location of cycle storage and bins has moved.

Cllr Clarke (Chair) pointed out that there is a viability report and even viable businesses can close, and this property appears not to be too far from the parade to be considered isolated.

The agent clarified that the unit was an off-licence shop, and that new retail stores had taken away trade from the property and that the corner property has been empty for a long time.

Cllr Clarke (Chair) pointed out that it is difficult to discuss the corner property as there is no sufficient information.

The committee received verbal representations on behalf of the Brockley Society, Clare Cowen, the chair of the Society who asked for refusal of the change of use and that there is nothing to indicate that this property has been properly marketed. The proposed boundary treatment is acceptable as are the upstairs windows changed to sash windows. The area is dependent on these shops on the outskirts. The corner shop will be a deli, the owner confirmed it will be opened by Christmas. The whole area is going through changes with new developments and units like this are an asset to the community. The Victorian shopfront cannot be used as a residential front.

Cllr Anwar commented that no one will close their shop if it is making money and that residential rent is much lower than commercial rent.

Cllr Rathbone pointed out that the current business is not viable and it has not been marketed and proposed to defer this application so that the applicant can provide more viability justification.

Legal officer Kheng Chau clarified that officers recognized that the property was not marketed and consultations were carried out as a departure.

Cllr Clarke (Chair) pointed out that main issues here are loss of retail, loss of employment, change of use.

Cllr Johnston-Franklin went back to the point of assumption of viability, as there is development of viable businesses in the area.

Cllr Adefiranye stated that it is more rewarding to create jobs and that there is no proof that sufficient effort was made to market this property and proposed this application to be rejected, or to defer for additional proof of marketing.

Cllr Bourne drew attention to the fact that focus on employment is irrelevant if a property has been empty for a year and that property owners would know what they can or cannot do.

Cllr Clarke (Chair) asked if a motion to suspend standing orders could be moved. Cllr Rathbone moved to suspend standing orders. Cllr Kelleher seconded. Standing orders were suspended at 9.59pm.

Cllr Copley moved the vote for the application to be rejected for lack of marketing and loss of retail unit. This was seconded by Cllr Johnston-Franklin.

Members voted as follows:

For: Councillors Copley, Johnston-Franklin, Adefiranye, Clarke (Chair), Kelleher, Rathbone

Against: Anwar, Bourne, Muldoon, Paschoud

RESOLVED: Refuse application DC/17/104231 for change of use from retail unit (Class A1) to residential unit (Class C3) for reason of loss of commercial space and employment.

8. 93-99 Ladywell Road, SE13

The presenting officer highlighted that this is an application for a three storey new development with 256 sqm flexible commercial use ground floor space with cycle and refuse storage. It is located on the north side of Ladywell Road within a local parade. Previously it was used as a petrol station with a canopy and there is a single storey building to the rear. The existing buildings would be demolished and the proposed ground floor would provide a flexible commercial area. The residential entrance is on the left side of the plan. At the first floor 4 one-bedroom units and on the second floor 3 two-bedroom units are proposed. The front elevation has similar height to adjacent buildings with 4 gables and terraces in between for the 2 bed flats. The design reflects the existing positive character on Ladywell road. The building would have a mansard roof and to the rear a projecting bay includes a stairwell with bay windows are also proposed. Proposed materials are brown brick, velux rooflights system and dark zinc mansard roof with aluminium windows. The addendum report covers revision of drawings and an additional condition relating to PV panels.

The application didn't receive any comments from local residents and received one objection from The Ladywell Society in regards of overprovision of commercial units, design and materials. The Ladywell Traders Group prefer smaller businesses in the area.

Highways and TFL raised no objections.

Officer's view is that the scheme would be acceptable in principle, it would contribute to the local parade and would remove an unsightly feature from the area. The proposed residential units would meet minimum standards of accommodation. It would be a car free development with high public transport accessibility. The development would not result in significant harm to the neighboring amenities.

Cllr Johnston-Franklin pointed out that zinc is proposed and raised a concern that this development is setting a precedent, because there was no use of zinc previously in the conservation area and that there may be alternatives in material choice.

The presenting officer clarified that we do see zinc in many conservation areas and that it is a modern and very durable material and it would be used on the roof only and that policies look for a materials to be complementary to the existing context, rather than prescribing that they match.

Cllr Paschoud pointed out that Ladywell Tavern, just on the other side of the road has a good amount on the zinc on its roof.

The committee received verbal representations on behalf of the applicant. Alex Wythe, architect and Jack Southon, who clarified that this would be a sustainable development, replacing a dreadful area, providing residential and commercial units that are designed to be flexible in the future. In terms of materials they are willing to discuss conditions. Alex Wythe explained that this development is a modern interpretation of conservation area with zinc as a modern alternative to lead, with specially designed bay windows at the rear to avoid impact on the neighbors. In terms of materials, they are willing to discuss and condition them.

Cllr Kelleher highlighted the previous case with concerns on viability of retail use.

Alex Wythe clarified that Ladywell is a vibrant area with no vacant shops and the proposed ground floor is a flexible space. With the location being in a flood zone 2 it wouldn't be possible to put residential units on the ground floor.

Cllr Johnston-Franklin raised a question on overlooking at the back and impact in terms of daylight.

Alex Wythe clarified that windows closest to the rear properties would be opaque and other windows are positioned at an angle to prevent overlooking. Mr Southon further clarified that there is a report for daylight and sunlight.

The committee received verbal representations on behalf of The Ladywell Society. Geoffrey Thurley, committee member of The Ladywell Society pointed out that the design is not sympathetic to the Ladywell area, that the proposed color of bricks is too dark, that the front gables are not as soft as on the adjoining buildings, that space for terraces at the front could be incorporated within the internal space, that black zinc is not a material used in the area and that tiles or grey slates could be more appropriate. Material for windows cannot be aluminum as windows at adjoining buildings are single glazed. The Ladywell Traders Association raised concerns that Class A1-A3 units could have detrimental impact on the viability of the parade. There is already a good variety of Class A1 units. There is no gym in the area and no viability survey has been carried out and it is not clear from the proposal whether divided commercial units would be fitted with separate toilets.

Cllr Rathbone highlighted that there is already a condition in place for materials.

Cllr Copley pointed out that the design is in keeping with the area and moved a vote for the approval of the application.

Cllr Paschoud commented that this constitutes a sustainable development and is not bad enough to be refused and that respect is given to the Society for bringing up design details and seconded the vote.

Furthermore, Cllr Paschoud raised an issue over having this most significant application last on the agenda when it is late and where design details concerns are being presented from The Ladywell Society.

Cllr Clarke (Chair) asked Cllr Paschoud about which points should be further covered.

Cllr Paschoud highlighted issues about the design and proposed to make the applicant work with society and those concerned as they seem to be open to some flexibility when it comes to materials.

Cllr Anwar agreed with Cllr Paschoud and proposed condition that no big superstores like Tesco should be allowed in proposed commercial units.

The presenting officer clarified that it is not possible to restrict the occupier, only the use.

Cllr Adefiranye supported Cllr Clarke (Chair) to allow for more time to discuss many elements of this proposal.

The presenting officer clarified that design in conservation areas is the main concern, and that in officer's view this is a good quality design and fits well with the character of the area. The detailing and materials would be discussed with conservation officers at the approval of details stage and, if Members were minded, these condition applications could be brought back to committee.

Cllr Rathbone pointed out that conditions on materials are already attached.

Cllr Paschoud clarified that his concern was relating to the late hour for discussing the most important application with the most extensive impact on public realm, expressed his agreement with planning officers and that it seems that the developer could be trusted to resolve issues over materials.

Councillors were reminded that there was a motion on the table.

Cllr Copley moved the vote for the application to be approved. This was seconded by Cllr Paschoud.

Members voted as follows:

For: Councillors Copley, Anwar, Bourne, Muldoon, Paschoud, Rathbone.

Against: Clarke (Chair), Adefiranye, Johnston-Franklin, Kelleher

RESOLVED: Approve application DC/18/107234.

The meeting ended at 22.50.

15th November 2018.

MINUTES OF THE PLANNING COMMITTEE B

Wednesday, 23 May 2018 at 7.53 pm

PRESENT: Councillors Obajimi Adefiranye, Tauseef Anwar, Andre Bourne, Suzannah Clarke, Liz Johnston-Franklin, Silvana Kelleher, John Muldoon, John Paschoud, James Rathbone and Tom Copley.

1. Planning B membership

RESOLVED that the circulated report on the membership of Planning Committee B be noted.

2. Planning B Election of chair

RESOLVED that Councillor Suzannah Clarke be elected as Chair and Councillor Tom Copley be elected as Vice-Chair for the Municipal Year 2018-2019.

LONDON BOROUGH OF LEWISHAM

MINUTES of the PLANNING COMMITTEE (B) meeting held in Council Chambers, Civic Suite, CATFORD SE6 on Thursday 11 October 2018 7:30pm.

Present

Councillors: Clarke (Chair), Copley (Vice Chair), Anwar, Bourne, Johnston-Franklin, Muldoon, Paschoud & Rathbone.

Apologies: Councillors Adefiranye & Kelleher.

Officers: Suzanne White – Planning Service, Vincent Murphy – Planning Service, David Syme – Planning Services, Kheng Chau - Legal Services, Alfie Williams - Planning Committee Co-ordinator.

1. DECLARATION OF INTERESTS

There were no declarations of interests.

2. MINUTES

The Minutes of the Planning Committee (B) meeting held on 30 August 2018 were agreed by members.

3. Ashmead Primary School

Planning Manager Suzanne White introduced the details of the application and noted that 36 objections and 9 letters of support were received in response to the consultation conducted by the Council. It was also noted that neither TfL nor the Council's Highways Department objected to the development. Suzanne White then explained that an Addendum Report had been produced detailing three further comments, two from local Ward Councillors and one from the Brockley Society. The comment from Councillor McGeevor proposed an amendment to Condition 11 strengthening the wording relating planting within the soft landscaping condition.

Councillor Paschoud asked for confirmation on whether the public space on Lewisham Way would be lost. Suzanne White confirmed that much of the existing space would be developed. Councillor Copley asked a question relating to the loss of playground space. Suzanne White responded by noting that the development would result in a better quality playground given the fragmented layout of the existing space, the provision of new all-weather facilities and the provision of a sandpit. Councillor Rathbone asked whether any new green space would be provided. Suzanne White stated that there would not be any new public green space. Councillor Clarke noted that there is a park in the vicinity of the school.

Councillor Anwar asked a question regarding highway safety. Suzanne White noted that the new entrance on Lewisham Way would be secondary to the existing entrance and that the school had proposed various safeguarding measures including limiting the time period the entrance would be in use and requiring staff supervision of the entrance. Councillor Johnston-Franklin asked a question relating to air quality. Planning Officer Vincent Murphy stated that some areas of the site did not meet EU standards but that the impact is very slight. Councillor Johnston-Franklin stated that even a very slight impact is not good enough. Councillor Clarke asked if the mature tree on Lewisham Way could be retained. Suzanne White replied that the loss of the tree is regrettable but would be necessary to allow the construction works to take place.

The Committee then received a verbal presentation from Sean O'Flynn (Head Teacher), Kerry-Anne O'Neil (Architect) and Russell Edwards (Project Manager). Sean O'Flynn explained that the scheme would provide Ashmead with key benefits and meets the brief required by the school. Mr O'Flynn explained that the key objective was to keep as much playground space and trees as possible and stated that the height of the building was key to achieving this objective and retaining the forest school.

Kerry-Anne O'Neil explained that the proposal would allow a 3rd of pupils a more direct entrance to improve the accessibility of the school. It was then stated that the planting of trees within the site would help mitigate the loss of trees on Lewisham Way and would help improve air quality. Kerry-Anne O'Neil then commented that the soft landscaping and level changes at the Lewisham Way entrance provide positive urban design and highway safety. In addition, it was noted that the area on Lewisham Way would still be public space.

Councillor Rathbone asked whether there would be an impact on the existing school facilities. Sean O'Flynn stated that the proposal provides substantial benefits for pupils including an improved playground given that the existing space is not fully utilised. Councillor Clarke asked which age groups would use the Lewisham Way entrance. Sean O'Flynn replied that the entrance would be used by years 4, 5 and 6. Mr O'Flynn then explained that there would be a management programme rehearsing the use of the entrance in order to identify issues. It was also noted that the new forms would be introduced gradually and that the school would not be fully occupied until 2023 which would allow time to conduct risk assessments and suspend the use of the entrance if any issues are identified.

Councillor Clarke asked if railings had been considered for Lewisham Way. Vincent Murphy explained that the Road is managed by TfL and that TfL were opposed to railings. Planning Manager David Syme explained that a series of soft barriers had been used to enhance safety including level changes and planting. Russell Edwards confirmed that TfL were supportive of the design including the removal of fencing.

Members then received a presentation from Clare Cowen and Chris Johnson representing the Brockley Society. Yvonne Horsfall Turner (owner of Stone House), Shin Egashira (parent) and Douglas Jenkinson (parent) were also in attendance to answer questions from members. Clare Cowen stated that she had attended two meetings regarding the proposal and that there were extensive concerns within the local community including from parents, residents, the St John's Society and the Brockley Society. Clare Cowen acknowledged that improvement have been made to the design however, concerns remain regarding safety due to the proximity to the A2 and the impact on long views of the Grade II Listed Stone House. It was noted that the site is adjacent to Lewisham and Southward College which can cause mayhem with traffic during busy periods

Clare Cowen expressed concerns with air quality in the area and stated that the school had a duty of care to pupils given the effects on conditions such as asthma. It was highlighted that there had been a fatal collision recently further along the A2. Clare Cowen then stated that the entrance should be kept away from the main road and proposed that the building is either moved north or at an angle.

Councillor Bourne asked whether the proposal to relocate the building had been put to the project team. Chris Johnson replied that the proposal had not been put to the applicant. Mr Johnson also commented that the Trees are visually important to the area and stated that on bin collection days the width of the remaining footpath would be further reduced. Councillor Clarke stated that moving the building would reduce the size of the playground. Chris Johnson replied that a green roof could be installed and used as a play space. Councillor Clarke responded that a roof space may present safety issues and reminded members and the objectors that they must discuss the present application.

Councillor Rathbone commented that the views of Stone House are not historic given that there was a row of terrace houses on the site until the 1970s. Chris Johnson gave an overview of the planning history of the site and then stated that the benefit of the long view and green space on Lewisham Way should not be lost. Councillor Johnston-Franklin asked whether the entrance on Lewisham Way would be retained in the alternative plan. Chris Johnson stated that it would not. Councillor Clarke reiterated that members must only discuss the scheme put before them and asked what concerns parents of pupils at the school had with the scheme. Shin Egashira replied that he had concerns regarding pedestrian safety, air pollution and the loss of trees.

Councillor Clarke asked Council Officers for more information regarding air pollution and asked if the siting of the building would help with dissipation. Vincent Murphy replied by providing an overview of the air quality reports submitted with the application. The first report commissioned into air quality at the site used existing monitoring. The existing monitoring showed that air pollution had been declining over a 5 year period. The second report monitored air pollution at locations within the site and found that air pollution at 6 receptors demonstrated that EU limits were exceeded. The maximum impact of any change in air pollution exposure was assessed to be 'slight'. Vincent Murphy concluded by noting that the air quality consultant for the applicant had stated that this equates to a miniscule impact.

Councillor Clarke commented that the existing trees on Lewisham Way are larger than the proposed trees and raised concerns that the new trees would not be as effective in screening air pollution. Vincent Murphy replied that the quality of mitigation provided by planting would be reviewed by an air quality expert which would be secured by condition. Suzanne White stated that it is not possible to ensure that the mature tree on Lewisham Way is retained but that a review can be secured by condition.

Councillor Paschoud noted that members do not know that the taller trees provide better air pollution mitigation and stated that there is sufficient information within the report to arrive at a conclusion. Councillor Paschoud then commented that the new building may provide a level of mitigation and noted that there is an existing school on the site. Vincent Murphy replied that the air quality consultants agree that the new building would provide a barrier.

Councillor Copley noted that Councillor McGeevor had withdrawn her objection due to the strengthened soft landscaping condition. Councillor Copley then moved to approve the application with the strengthen soft landscaping condition and a new condition securing further investigation for tree protection. The motion was seconded by Councillor Rathbone.

Members voted as follows:

FOR APPROVAL: Councillors Clarke, Copley, Anwar, Bourne, Johnston-Franklin, Paschoud, Muldoon & Rathbone

AGAINST: None

Resolved: That planning permission be approved in respect of application DC/17/104714 subject to conditions **for soft landscaping and tree protection.**

4. 77 Sydenham Park Road

Planning Manager Suzanne White introduced the details of the application to members and noted that that four objections had been received relating to the scale of the extension, overdevelopment, overlooking, loss of light, run-off and parking.

Members then heard a verbal representation from Chis De Souza the owner of the property. Mr De Souza explained that he had lived at the property for 12 years and that with a growing family they required extra space. Mr De Souza stated that they had taken all of the comments on board and had made amendments to the scheme. Mr De Souza noted that the extension is of a modest size similar to a neighbouring extension currently under construction. Mr De Souza concluded by explaining that the majority of the extension would be built on existing hardstanding so would not result in a loss of garden space and that the extension would not prevent parking on the drive.

The committee then received a verbal presentation from Jane McNamara objecting to the proposal. Ms McNamara explained that she was representing four households located on Chelsfield Gardens and stated that the extension was large and obtrusive. Ms McNamara stated that this type of extension would not be allowed in a Conservation Area and that

although the property is not a Conservation Area, the area does benefit from a distinct character due to the contrasting line of red bricks. This characteristic would be lost and therefore the extension would not be in keeping with the appearance of the surrounding area. Ms McNamara also stated that the extension would reduce parking space at the property adding to parking pressures in the area and also raised concerns with increased run-off.

Councillor Clarke asked if the extension would be used for living space. Suzanne White confirmed that it would. Councillor Rathbone noted that No.81 has a similar extension. Following further deliberation Councillor Paschoud moved to approve the application. The motion was seconded by Councillor Bourne.

Members voted as follows:

FOR APPROVAL: Councillors Clarke, Copley, Anwar, Bourne, Johnston-Franklin, Paschoud, Muldoon & Rathbone.

AGAINST: None

Resolved: That planning permission be approved in respect of application DC/18/106425 subject to conditions.

5. 51 Bargery Road

Planning Manager Suzanne White presented the details of the application to members and noted that the application site was within the Culverley Green Conservation Area. Suzanne White also explained that the planning history at the property includes an application for seven rooflights to be installed in the front and rear roof slopes that was refused and dismissed at appeal and enforcement action against the conversion of the property to a HMO. It was also noted that discussions with officers had resulted in a revision to the proposal to include a gable window in place of a rooflight.

Councillor Rathbone asked for clarification regarding permitted development rights relating to HMOs. Suzanne White explained that the conversion of a property to a HMO for 6 people or less would be permitted development. Councillor Paschoud asked whether the property was currently in use as a HMO. Suzanne White replied that she did not know if the property is currently a HMO but noted that the Council has not received any enforcement complaints. Councillor Rathbone asked whether members could require an inspection of the property as a condition. Councillor Clarke stated that members can only consider the application being presented. Suzanne White commented that the application must be decided on its merits. Councillor Rathbone stated that there is historic enforcement action at the property so this issue is pertinent. Planning Lawyer Kheng Chau stated that members can not consider the potential future use of the property.

Members then received a verbal presentation from Eric Kently representing the Culverley Green Residents Association. Mr Kently stated that he shared members concern regarding potential conversion to a HMO but explained that the proposed front gable window is also a concern. Mr Kently explained that he was not against loft conversions and conceded that rooflights are a necessary evil but stated that a window in the gable would be the worst option. Mr Kently observed that the properties on Bargery Road are symmetrical pairs and that introducing a window would destroy this symmetry and ruin the triangular apex that had been well preserved. Mr Kently also objected to the loss of historic brickwork that could never be reversed and concluded by questioning why the Council are encouraging gable windows.

Councillor Rathbone requested clarification of what was originally proposed. Suzanne White replied that a front rooflight was originally proposed and it was determined that a gable window would be a less harmful alteration. Councillor Paschoud questioned why a gable window is considered preferable. Eric Kently responded to confirm that the Culverley Green

Resident's Association were not clear why the Council had taken this position. Councillor Clarke asked if the Culverley Green Resident's Association would have an objection to a rooflight. Eric Kently commented that a rooflight would be preferable given that they can be temporary. Suzanne White stated that the Council's position is that rooflight is a modern intrusion to the roofscape and commented that she did not agree that rooflights are temporary.

Councillor Paschoud commented that the applicant had been persuaded to revise the proposal to something more objectionable and asked whether it was possible to defer the application to get the revision reversed. Suzanne White confirmed that the committee could defer the application to allow the applicant to make amendments. Kheng Chau stated that members had the option to defer or refuse the application.

Councillor Paschoud moved a motion to defer the application. The motion was seconded by Councillor Muldoon.

FOR DEFERAL: Councillors Clarke, Copley, Anwar, Bourne, Johnston-Franklin, Paschoud, Muldoon & Rathbone.

AGAINST: None

Resolved: That application DC/18/105821 be deferred.

6. 2 Manor Mount

Planning Manager Suzanne White introduced the details of the application and noted that the proposal was retrospective. Suzanne White then explained that three letters of objection were received to the application.

The committee then received a verbal representation from John Dalton the agent for the application. Mr Dalton explained that the works were necessary due to water ingress and commented that the planning process had been onerous as the application had originally been submitted in 2015. Mr Dalton stated that the Council had lost drawings and samples and commented that it had been difficult to contact Council Officers during the course of the application.

Councillor Paschoud asked Mr Dalton why he did not apply for planning permission prior to installing the replacement roof. Mr Dalton replied that the works were urgent and therefore this was not an option. Councillor Paschoud apologies to Mr Dalton for the poor quality service he had received. Councillor Paschoud then commented that he could see no material planning reasons for refusing the application and moved to recommend approval. The motion was seconded by Councillor Johnston-Franklin.

FOR APPROVAL: Councillors Clarke, Copley, Anwar, Bourne, Johnston-Franklin, Paschoud, Muldoon & Rathbone.

AGAINST: None

Resolved: That planning permission be approved in respect of application DC/17/99661 subject to conditions.

7. 9-19 Rushey Green

Planning Manager Suzanne White introduced the details of the application and explained that the application had previously been approved at a Planning Committee B held in April 2018. Suzanne White then explained that the site had subsequently changed ownership with a revised affordable housing offer increasing the affordable housing mix from 24% to 36% by

habitable room. Suzanne White stated that the scheme was now eligible for the Mayor of London's 'fast-track route' removing the requirement for a late-stage viability review.

Councillor Copley stated that the applicant had made a good offer that complied with policy and noted that there would be uncertainty with the late stage review given Brexit. Councillor Copley then moved a motion to approve the application. The motion was seconded by Councillor Paschoud.

FOR APPROVAL: Councillors Clarke, Copley, Anwar, Bourne, Johnston-Franklin, Paschoud, Muldoon & Rathbone.

AGAINST: None

Resolved: That planning permission be approved in respect of application DC/17/101909 subject to conditions and the negotiation of the Section 106 Agreement.

Committee	PLANNING COMMITTEE B	
Report Title	Development of new educational and sporting facilities at St Dunstan's College, Stanstead Road, SE6 and the school's Jubilee Sports Ground, Canadian Avenue, SE6.	
Ward	Rushey Green	
Contributors	Vincent Murphy	
Class	PART 1	28 February 2019

Reg. Nos. DC/18/109716

Application dated 15.11.18

Applicant Renew Planning on behalf of St Dunstan's Educational Foundation

Proposal Construction of a new Junior School and STEM (Science, Technology, Engineering, Maths) building at St. Dunstan's College, Stanstead Road SE6, extending over part-two, part-three and part-four storeys with glazed atrium connecting into west elevation of former Headmaster's House, including associated roof plant and roof-mounted PV array; demolition of lower ground floor bay to west elevation of former Headmaster's House and other non-original lower ground floor additions, together with demolition of music and physics block, single-storey building to rear of preparatory block and single-storey portable building to rear of pre-preparatory block; hard/soft landscaping with formal/informal areas of play, including courtyard to east of STEM building and associated fence/gate enclosures; reorganisation of playing fields, including provision of 2 x MUGA courts at St. Dunstan's College, Stanstead Road and 4 x floodlit MUGA courts at Jubilee Ground, Canadian Avenue SE6; and construction of substation building to front of the college site at Stanstead Road.

Background Papers

- (1) LE/67/E/TP and LE/881/C/TP
- (2) Local Development Framework Documents
- (3) The London Plan (2016 as amended)
- (4) NPPF (2018)

Designation

Core Strategy – Areas for Stability and Managed Change
Urban Green Space (college site)
Metropolitan Open Land (sports ground)
Locally-listed buildings and non-designated heritage assets (college site)
Culverley Green Conservation Area (sports ground)

1.0 Summary

This report sets out officer's recommendation in regard to the above proposal. The report has been brought before members for a decision as:

- Permission is recommended to be approved for a major development scheme in a prominent location, introducing substantial change at the site, which is considered by the Head of Planning to be more appropriately dealt by Council's Planning Committee.

2.0 Property/Site Description

2.1 The subject site is split into two separate sites which are owned and managed by St Dunstan's College. The main site of the school is on the northern side of Stanstead Road (A205 South Circular) between the roads of Ravensbourne Park and Faversham Road, and is the location of the majority of the proposed development. The development of additional floodlit Multi-Use Games Areas (MUGA's) is at the separate Jubilee sports ground site to the east of the main school site.

Main school site:

2.2 This site is located on the northern side of the A205 South Circular Road and is approximately 61000m² in area, with rising topography from south to north. It contains the grand, red brick richly detailed chateau-style main school building, which is predominantly 3 storeys in scale (4 storeys where roof gables face the street), which addresses Stanstead Road. It also contains a contrasting modern dining hall (to the east of the main school building). Both these buildings are locally listed buildings.

2.3 On the site is also the small but intricately constructed Headmaster's House (to the west of the main school building) which is considered to be of heritage and character merit and a non-designated heritage asset. A cricket pavilion and large spacious fields with boundary trees are located to the west of the main school building and contribute significantly to the quality of the setting of the school. Two artificial-pitch MUGA's to the west of the main school building, and further buildings behind/to the north of the that building complete the school. The open space at this site is designated as Urban Green Space (UGS) in the Lewisham Local Development Framework.

2.4 Surrounding land-use to the north, north-east, south and west is predominantly residential terraced dwellings, 2-3 storeys in scale. The outer commercial premises of Catford town centre are located in close proximity to the subject site to the east. Two railway lines run more or less north-south to the east of the main school site (between the two subject sites), where Catford and Catford Bridge stations are located.

- 2.5 The school site is located within Air Quality Management Area 6 as specified in the Lewisham Air Quality Action Management Plan.
Jubilee sports ground site:
- 2.6 The other subject site is the St Dunstan's Jubilee sports ground located some 350m to the east of the school site along Stanstead/South Circular Road. This site is a large, flat site, contains both natural grass and artificial turf playing pitches, owned and used by the school as well as being used by community sporting groups. This site is approximately 82000m² in area, partially located within the Culverley Green Conservation Area and the majority of the site is also classified as Metropolitan Open Land (MOL) under the London Plan (2016).
- 2.7 The A205 South Circular Road and the commercial centre of Catford lies to the north and north-east of the centre of this site. Surrounding land-uses to the east and south-east are predominantly semi-detached residential dwellings 2 storeys in scale. Directly to the south is an automotive repair yard. To the south-west and west are the two separate railway lines that serve nearby Catford Bridge and Catford stations, and the course of the Ravensbourne River – the confluence with the River Pool is directly to the west of the site in narrow parkland. Between the two railway lines, to the direct west, is large format retail land uses.
- 2.8 The north-western part of this site is located within Flood Zone 3 whilst the north-eastern and southern part is located within Flood Zone 2, as mapped by the Environment Agency.
- 2.9 The northern portion of the Jubilee Sports Ground overlaps with the approved (by Lewisham Council's Mayor and Cabinet) relocation of part of the South Circular Road, which will facilitate future regeneration in Catford town centre.

Relevant to both sites:

- 2.10 Other planning designations and constraints applicable to the subject sites:
- Stanstead/South Circular Road is a Class A road in the Transport for London (TfL) Road Network, being a red-route and managed by TfL. Numerous bus stops are in close proximity to the subject sites and it is a high-volume traffic road.
 - There is substantial use of subject sites as sports fields, where Sport England has a statutory interest.
 - Both sites have a Public Transport Accessibility Level (PTAL) rating of 5 as mapped by Transport for London.

3.0 Planning History

Main school campus site

- 3.1 There is extensive planning history at the college site at Stanstead Road in relation to its well established use as a school for new buildings, additions and alterations to existing buildings, and uses ancillary to the use of the site as a school. The pertinent planning history to the site are the two previous pre-application meetings relating to the subject development (PRE/16/002589 and PRE/17/102454), where pre-app feedback was provided in February and October of 2017 concerning the potential location of additional building mass in terms of compliance with the Lewisham Local Development Framework.

- 3.2 Following these pre-application meeting, the particular design of the building has been developed through a comprehensive Planning Performance Agreement pre-application process (PPA/18/109287) from September-November 2018.

Jubilee sports ground site

- 3.3 The following planning history is considered to be relevant to the subject proposal with respect to the Jubilee sports ground site:
- 3.3.1 DC/16/096086 (as amended by DC/17/101985) – planning permission granted then amended in July 2017 for the part change of use of the pavilion building at the Jubilee sports ground to D1 (Nursery) use for up to 40 children, with associated building alterations, landscaping and play space provision, access and parking provision.
- 3.3.2 DC/17/103134 – planning permission granted in December 2017 for a new hockey turf in the southern end of the Jubilee sports ground.

4.0 Current Planning Application

- 4.1 The application proposes development at two separate but close sites owned and used by the applicant. The reason for lodging a single planning application covering both developments is that they are intrinsically linked, one will not go ahead without the other.

Main school site

- 4.2 It is proposed to construct a combined junior (inclusive of nursery/reception-aged children) school and STEM (science, technology, engineering and maths) building to adjoin the side and rear of the Headmaster's House building at the main school site.
- 4.3 The reason the construction of this building is intended to be carried out by the school is, in summary:
- improve facilities and educational environments across multiple subjects being taught to students of all age groups, however in particular communal spaces, play spaces, and facilities for science, maths, engineering and technology subjects being taught at senior-school level;
 - remove dilapidated and no longer fit-for-purpose school facilities and provide a consolidated facility serving all junior school students; and
 - improve the physical identity and functioning of the junior school within the wider school, by way of a separate entrance and service point to the senior school.

The principle of the development is consequently summarised in this report as 'new development to replace existing buildings and improve the quality of educational and recreational opportunities and facilities provided by the school'.

- 4.4 The proposal does not increase the roll of staff employed by, or pupils attending, the school. The application is for new facilities to serve the existing school community, in particular consolidating the junior school into once facility – the junior school is currently scattered across multiple facilities at the school site, some in dilapidated condition and no longer fit-for-purpose (being temporary modular buildings historically retained at the site).

- 4.5 This proposed building would be multi-storey, being two storeys where it wraps around the Headmaster's House building, and between three and four storeys further to the rear of that building.
- 4.6 The rear, northern portion of the proposed building has a ground-floor level more or less the same as the first floor level of the front, southern portion of the building where it wraps around the Headmaster's House. This follows the underlying topography which rises from south to north.
- 4.7 The southern end of the building would house the junior school whereas the northern end of the building will accommodate the STEM block. An entrance area (facing east towards an internal school courtyard school) and auditorium/theatre/lecture space (projecting west of the north-south mass of the building) functionally separates the two uses of the building, as well as being the main entrance for the auditorium and STEM components of the building. A separate entrance for the junior school would be located at the southern end of the new building.
- 4.8 Unoriginal additions of the Headmaster's House building would be removed as part of the works. A ground-floor bay window would also be removed where a glazed connection between the existing Headmaster's House building and new building is located. Internal pedestrian links between the Headmaster's House and the new building are incorporated into the design to make it a functional part of the junior school component of the building.
- 4.9 Balconies would project at first floor level from the western façade of the southern end of the building, providing informal breakout and outdoor learning spaces for older children within the junior school.
- 4.10 The building is to be constructed partially atop of the four existing (separated into two court areas) hard-surface MUGA's at the school. The existing MUGA's at the school site are formed to provide 4x overlapping tennis/netball courts (in two separate locations). As a result of this, a new MUGA comprising overlapping 2x overlapping tennis/netball courts is proposed to be built on an area of existing playing fields at the school site.
- 4.11 The building would be constructed primarily of brickwork, in a range of colours and laid in a range of methods to differentiate building mass and provide visual interest to the new building. A school logo is proposed on the southern elevation.
- 4.12 To the east of the new building, existing buildings to the rear of the main Chateau-style building at the school are proposed to be demolished and a new, formal courtyard is to be developed. This includes elongated steps able to be used for seating, creating an amphitheatre element to the courtyard, 'elephant' steps into the new building, and hard and soft landscaping.
- 4.13 Vehicular access through the main school site will remain unchanged by the proposal – the courtyard will be able to be used by staff accessing parking further to the rear of the site.
- 4.14 A living roof is proposed to be constructed atop of the front portion of the new building, whilst photovoltaic panels would be located on flat roof of the new building. Plant servicing the building is also proposed to be located to the rear of the roof.

- 4.15 An electrical substation is also proposed to be constructed as part of the development at the main school, being a small brick enclosure which would be located at the front of the site directly south of the proposed building.
- 4.16 New soft and hard landscaping is proposed to the periphery of the development, comprising a range of hard and soft surfaces, shrubs and trees.

The Proposals – Jubilee sports ground site

- 4.17 Four MUGA courts, comprising overlapping 3x tennis and netball courts, and a tennis/basketball court, served by 10 floodlights, is proposed to be constructed at the Jubilee site, considering the sports facilities and field space to be lost by the proposed building at the school site.
- 4.18 The proposed MUGA courts would be located north of the recently-constructed hockey turf at the sports ground, west of neighbouring dwellings located on the western side of Canadian Avenue, and south of the football pitches which are located in the northern half of the sports ground.
- 4.19 The levels of the site would not materially change as a result of the construction of the 4x MUGA courts. Storm water storage would be provided beneath the MUGA.
- 4.20 The south of the Jubilee ground is also to be soft landscaped with excess spoil from the construction of the MUGA’s at that site.

5.0 Consultation

- 5.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received.
- 5.2 A total of 2088 letters were delivered to adjoining and nearby residents of the subject sites, ensuring all residents within 50m of both subject sites were notified. Five public site notices were placed, along each public frontage to the subject sites – Fordmill Road, Canadian Avenue, Catford Road, and two along Stanstead Road in front of the college.
- 5.3 A press notice in the Lewisham and Catford News Shopper was published for consultation purposes, and emails were sent to external statutory or otherwise recognised formal consultees with an interest in the application.
- 5.4 All consultation notifications were sent, or notices placed, between the 21st and 23rd November 2018.
- 5.5 A total of seven (7) submissions have been received in response to issued consultation requests. No submissions are in objection to the scheme. The submissions are summarised as follows:

Submission from	Issue raised	Issue(s) addressed
Member of the public	No objection in principle but seeks reassurance that safeguards from lighting and noise pollution impacts from use of MUGA’s at Jubilee sports ground will be in place	Paragraph 7.78 and 7.79 of this report, and recommended conditions 2, 12 and 31.

Member of the public	Expresses support for the scheme	
Historic England	No comments to make	N/A However heritage impacts assessed in paragraphs 7.29-7.39
Thames Water	No objection raised, advised of appropriate informatives to applicant	Informatives added below recommended conditions.
Sport England	No objection subject to conditions regarding community use agreement and final construction details of MUGA's	Paragraphs 7.80 and recommended conditions 4 and 27.
Transport for London	No objections raised however seeks to ensure sustainable transport prioritised in redevelopment of the school, in particular promotion of cycling to school and having adequate cycling facilities, and ensuring the safety of trips made on foot between the school and the sports ground	Paragraphs 7.50 – 7.55 and recommended conditions 18 and 22.
Environment Agency	No objection subject to conditions regarding contamination.	Paragraphs 7.92 and recommended conditions 11 and 30.

5.6 Consultation responses have been received from the following internal specialist officers within the Council. The below represents the fundamental position of the officers:

1. Environmental Health Officer – Lighting, Noise and Air Quality – No objection raised, subject to conditions regarding fixed-plant noise and final construction details of MUGA's.
2. Environmental Health Officer – Contamination – No objection subject to conditions regarding contamination investigation and management/remediation if discovered, and UXO surveying and expert supervision.
3. Highways Officer – No objection subject to conditions relating to travel management planning, and construction traffic management.
4. Trees Officer – No objection raised, sought Tree Protection Plan for main school site and betterment to southern end of Jubilee site where excess soil is proposed to be disposed.
5. Ecology and Open Space Manager – No objections, having particular regard to floodlight impacts upon local ecology.
6. Urban Design Officer – No objections subject to conditions regarding final materials.
7. Conservation Officer – No objection subject to conditions regarding final materials and brickwork preservation.
8. Lewisham Lead Local Flood Authority – No objection subject to conditions regarding approval of detailed surface-water drainage systems and proof that appropriate maintenance provisions are in place.

5.7 The application does not meet the criteria to be referred to the Mayor of London for consultation pursuant to the Town and Country Planning (Mayor of London) Order 2008. There is no objection from Sport England with respect to impacts upon playing fields and therefore the application does not need to be referred to the Secretary of State for

consultation pursuant to the Town and Country Planning (Consultation)(England) Direction 2009.

6.0 Policy Context

Introduction

- 6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
- (a) the provisions of the development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.
- 6.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.
- 6.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when exercising its planning functions in respect of land that is in a conservation area a local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 6.4 Government policy within and outside of the scope of the National Planning Policy Framework and relevant Development Plan, is a material consideration.

National Planning Policy Framework (NPPF) 2018

- 6.5 The NPPF, originally published in 2012, was revised on 24th July 2018 and is a material consideration in the determination of planning and related applications.
- 6.6 It contains at paragraph 11, a 'presumption in favour of sustainable development'. Annex 1 of the revised NPPF provides guidance on its implementation. In summary, this states in paragraph 213, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF and in regard to existing local policies, that '...due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 6.7 Officers have reviewed the Core Strategy and Development Management Local Plan for consistency with the revised NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraph 213 of Annex 1 of the revised NPPF.

National Planning Practice Guidance 'NPPG' (2014 onwards)

- 6.8 On 6th March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents, and is subject to continuous periodical updates in different subject areas

The Development Plan

6.9 The London Plan, Lewisham's Core Strategy, together with the Site Allocations DPD, the Lewisham Town Centre Local Plan and the Development Management Local Plan and together constitute the borough's Development Plan. The site is not within the Lewisham Town Centre designation however.

London Plan (March 2016)

6.10 The London Plan was updated on the 14 March 2016 to incorporate Housing Standards and Parking Standards Minor Alterations to the London Plan (2016).

6.11 The Mayor of London published a draft London Plan on 29 November 2017, and minor modifications before the EIP were published on 13 August 2018. As such, this document now has some weight as a material consideration when determining planning applications. The relevant draft policies are listed below and discussed within the report. These are limited to policies that are materially different to existing London Plan policies.

6.12 The policies in the current adopted London Plan (2016) relevant to this application are:

- Policy 1.1 Delivering the strategic vision and objectives for London
- Policy 2.3 Growth areas and co-ordination corridors
- Policy 2.9 Inner London
- Policy 2.18 Green infrastructure: the network of open and green spaces
- Policy 3.16 Protection and enhancement of social infrastructure
- Policy 3.18 Education facilities
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.7 Renewable energy
- Policy 5.10 Urban greening
- Policy 5.12 Flood risk management
- Policy 5.13 Sustainable drainage
- Policy 5.14 Water quality and wastewater Infrastructure
- Policy 5.15 Water use and supplies
- Policy 5.17 Waste capacity
- Policy 5.21 Contaminated land
- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.12 Road network capacity
- Policy 6.13 Parking
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology
- Policy 7.9 Heritage-led regeneration
- Policy 7.13 Safety, security and resilience to emergency
- Policy 7.14 Improving air quality
- Policy 7.15 Reducing noise and enhancing soundscapes
- Policy 7.17 Metropolitan Open Land
- Policy 7.18 Protecting local open space and addressing local deficiency
- Policy 7.21 Trees and woodlands

The emerging London Plan policies particularly relevant to this application are:

- Policy D1 London's form and characteristics

Policy D2 Delivering good design
Policy D12 Agent of change
Policy S3 Education and childcare facilities
Policy SI1 Improving air quality
Policy HC1 Heritage conservation and growth
Policy G3 Metropolitan Open Land

London Plan Supplementary Planning Guidance (SPG)

- 6.13 The London Plan SPG's relevant to this application are:
- 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)

Core Strategy (June 2011)

- 6.14 The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 Lewisham Spatial Strategy
Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 7 Climate change and adapting to the effects
Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 9 Improving local air quality
Core Strategy Policy 12 Open space and environmental assets
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment
Core Strategy Policy 19 Provision and maintenance of community and recreational facilities
Core Strategy Policy 20 Delivering educational achievements, healthcare provision and promoting healthy lifestyles

Development Management Local Plan (November 2014)

- 6.15 The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

DM Policy 1 Presumption in favour of sustainable development
DM Policy 22 Sustainable design and construction
DM Policy 23 Air quality
DM Policy 24 Biodiversity, living roofs and artificial playing pitches
DM Policy 25 Landscaping and trees
DM Policy 26 Noise and vibration
DM Policy 27 Lighting
DM Policy 28 Contaminated land
DM Policy 29 Car parking

DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings
DM Policy 35	Public realm
DM Policy 36	New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens
DM Policy 37	Non-designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest
DM Policy 41	Innovative community facility provision
DM Policy 42	Nurseries and childcare

Site Allocations Local Plan (June 2013)

6.16 There are no relevant Site Allocations relating to the application sites.

7.0 Planning Considerations

- 7.1 The main issues to be considered in respect of this application are:
- Principle of development and any in-principle issues
 - Design quality, character impacts including landscaping
 - Heritage impacts
 - Transport impacts and public safety
 - Exposure to air pollution
 - Neighbouring amenity impacts
 - Social and community impacts with respect to playing field availability
 - Sustainability and energy impacts
 - Other environmental and ecological impacts

Principle of development and any in-principle issues

7.2 The following assessment considers the question of whether or not the principle of the development (new development to replace existing buildings and improve the quality of educational and recreational opportunities and facilities provided by the school) is firstly acceptable in this location, concerning the principle characteristics and constraints of the site, before considering the impacts of the specific design proposed. It sets out the relevant policy context concerning the question of the principle of development, before considering the principle of the development at this site and general planning policy direction as applicable to the principle of the development at the site.

Relevant planning policy direction

- 7.3 Chapters 8, 11, 12, 13 and 14-16 of the revised NPPF are particularly relevant to the proposal and site context and the fundamental question of whether or not the principle of the development in this location is acceptable on planning grounds.
- 7.4 London Plan policies 2.18 (green infrastructure), 3.16 (social infrastructure), 3.18 (education facilities), 3.19 (sports facilities), 5.12 (flood risk management), 7.5 (public realm), 7.8 (heritage assets), 7.14 (improving air quality) and 7.17 (metropolitan open land) are considered to be particularly relevant to the principle of the development at this location. Spatial Policy 2 (Regeneration and Growth Areas), Spatial Policy 5 (areas of Stability and Managed Change), Policy 10 (managing and reducing the risk

of flooding), Policy 15 (high quality design for Lewisham) and 19 (provision and maintenance of community facilities) of the Lewisham Core Strategy (2011) are likewise considered to be particularly relevant to the matter of the principle of the proposed development in this location. Development Management Policies 23 (air quality), 30 (urban design and local character), 36 (new development affecting heritage assets and their settings), 37 (non-designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest) and 41 (Innovative community facility provision) are likewise considered to be particularly relevant within the Lewisham Development Management Local Plan (2014).

- 7.5 Policies set by Central Government and the Mayor of London outside of the planning framework (such as the draft Clean Air Strategy 2018, the London Environment Strategy 2018, the Mayor's Transport Strategy 2018) are also considered pertinent to the question of whether or not the principle of the development can be supported. These are discussed below where relevant.

Use for educational purposes, general siting of development

- 7.6 The proposal is for the demolition of existing school buildings, and construction of a new school building, in addition to a courtyard for school purposes and a substation to the front of the main school site, and sports facilities at both the main school site and the separate playing fields at the Jubilee sports ground. The school use has been established at the main school site since the 1888. Given the long-term establishment of such a land-use at the site, the principle of new development for education use on the existing school site is considered to be compatible with the existing use and acceptable. Similarly, outdoor sports use is well established at the Jubilee Grounds and this facility would be improved by the development, thereby generating direct benefits to the local sporting community (to be secured by a community use agreement, based upon consultation with Sport England). The principle of the development is therefore considered to be consistent with Chapter 8 of the NPPF, London Plan Policies 3.16, 3.18 and 3.19, Core Strategy Policy 19, and DM Policies 41 and 42.
- 7.7 The applicant has determined the location of the building through consideration of numerous factors, in particular the functioning and quality of learning environments at the school, the importance of the existing school setting which is heavily influenced by the playing fields west of the existing buildings, and the prominence of the main building to the public realm. This has been carried out in consultation with Council planning officers through pre-application meetings, through options analysis for optimal placement of the building. The resulting location, and concept of a close relationship with the existing Headmaster's House building, is considered to have been determined through robust consideration of many feasible options, and is supported in principle by Council planning officers.

Development of land classified as Metropolitan Open Land under the London Plan

- 7.8 Outdoor sport provision is explicitly anticipated as an appropriate use in green belt land under the NPPF (Chapter 13, paragraph 145). The current London plan directs that the same consideration of green belt land as per the NPPF be afforded Metropolitan Open Land (MOL) – the Jubilee sports ground site is classified as such. The draft New London Plan Policy G3 is less protective, however makes it clear that open-air sporting facilities such as those proposed are suitable within MOL land. Given only additional outdoor sports facilities are proposed to be provided in this location, the principle of the development insofar as the additional outdoor sport

facilities at Jubilee sports ground is concerned is considered to be consistent with Chapter 13 of the NPPF, London Plan Policy 7.17, draft New London Plan Policy G3, and Core Strategy Policy 12.

Development of land classified as Urban Green Space under the Lewisham Development Framework

- 7.9 The options consideration for the location of development at the main school site also strongly considered the fact that a substantial proportion of the playing fields in the west of the school campus are classified as an 'Urban Green Space', as well as being playing fields where Sport England have a statutory interest. The theme of minimal intrusion into this space has informed the final design. This design intent ensures that the use of existing playing fields is not prejudiced by the development whilst minimising any adverse impacts upon ecological welfare, biodiversity, and the ability to interact with nature, which are the reasons for the classification of Urban Green Spaces.

Heritage assets at the site, potential in-principle issues of development in proximity to such assets

- 7.10 The main school site includes two locally-listed buildings, whilst the Jubilee sports ground site is located within the Culverley Green Conservation Area. The general principles of DM Policy 37 (non-designated heritage assets) do not explicitly exclude or discourage development or demolition in proximity to/within the setting of locally-listed buildings. There is no demolition proposed of any current locally-listed building. Whilst the Headmaster's House building is being considered to be added to the local list, the only demolition proposed to this building is to single-storey additions constructed post-1950, and a very small degree of demolition of an original bay window. Considering the clear presence of these later additions as such features, the very small degree of demolition of original building fabric, the proposed development at the main school site is not considered to be in-principle contravening DM Policy 37 of the Local Development Management Plan. Additionally, given the policy support for enhanced education and sports facilities, any harm to the heritage assets is considered to be outweighed by the public benefits of the proposals. The demolition of separate buildings to the rear of the site, which are not locally listed, to facilitate the construction of the proposed building and school courtyard, are not considered to be in-principle issues with respect to any relevant planning policy.

- 7.11 DM Policy 36 relates to conservation areas. The Jubilee sports ground is located within the Culverley Green Conservation Area, and includes additional MUGA playing surfaces which will be floodlit. This is certainly compatible with (the same as) the existing use characteristics of this area of open space within the conservation area. As such, the proposal is not considered to present an in-principle issue with respect to DM Policy 36.

Location near A205 road, exposure to air pollution and electromagnetic radiation as an in-principle issue

- 7.12 Current and draft planning, as well as relevant non-planning, policy at national, regional and borough level relating to air quality and exposure to air pollution have been considered with respect to the subject proposal. The principle of the development (new development to replace existing buildings for educational and recreational purposes) is not considered to be contrary to the direction and intent of the suite of policies, especially when considering that the proposal will only increase the distance of learning and play spaces from, as well as provide further protection

of exposure to, the A205 South Circular Road to the south of the site. The location of the development at the school site and the proximity of that building to the South Circular A205 road does present a degree of complication for the design in terms of ensuring exposure to air pollution is sufficiently mitigated. However, the principle of demolishing and rebuilding new facilities at the school at this location is not considered to result in a fundamental principle issue which translates to an in-principle reason for refusal of planning permission. The separation distance of the proposed MUGA's at the Jubilee site are also considered to ensure the issue of exposure to air-pollution is not an in-principle issue for that component of the proposal.

- 7.13 The inclusion of an electrical substation at the road-frontage of the main school site is not considered to be an in-principle or otherwise issue of the scheme, in terms of creating exposure to an electromagnetic field. This is due to the very limited electromagnetic field generated by a substation of this size, as confirmed by the consultant building services engineers for the applicant, and the distances to areas to be occupied by people (i.e. waiting area, classrooms – the footpath is a pedestrian, transient space).

Jubilee site location within Flood Zones

- 7.14 The Jubilee site is located within known Flood Zones 2 and 3 (as mapped by the Environment Agency). However, the development at that site is restricted to the transformation of existing grassed surfaces to permeable-surfaced MUGA's, with no raising of levels of the playing surface structures in terms of flood displacement. Storage is also provided below the pitches. As such, the design in principle includes clear measures to prevent the development from adding to the risk of localised flooding, in accordance with the direction of Core Strategy Policy 10.

Conclusion

- 7.15 The consequences and impacts of the use combined with the specific design parameters are discussed later in this report. However, the principle of the proposed development in this location is considered to be acceptable, and the development is not considered to present any fundamental in-principle issues relative to site constraints that translate to a reason for refusal.

Design quality, character impacts including landscaping

- 7.16 Chapter 12 of the revised NPPF, policies 7.4 and 7.6 of the current London Plan, policies D1 and D2 of the draft New London Plan, Core Strategy Policy 15 and Development Management Policies 25, 30, and 31 are considered particularly relevant to the matter of design quality and landscaping impacts.

Main school site

- 7.17 The proposal would result in substantial change at the main school site in particular. The length of the new building (ranging from two to four stories in height, projecting back into the site) is similar to the width of all three buildings facing Stanstead Road (South Circular Road) in front of the school site. The MUGA's at the school site would be visible from Stanstead Road due to the rising elevation south to north through the school site. The substation building and additional landscaping would also be visible to various degrees from the public realm of Stanstead Road, and one tree, relatively prominent behind a brick wall facing Stanstead Road, would be removed to facilitate the installation of the substation. Overall, the change would be very prominent to

west-facing views of the site on approach to Catford, in the foreground of the Chateau-style locally listed prominent school building, and as such, it is considered imperative that a high quality built and landscape design is achieved in this sensitive location.

- 7.18 The location of the building has been determined through considerable options analysis as referred to above under the principle of development assessment. Respecting the setting of the school, the prominence of the playing fields and the main school building when approaching the main school site from the west (which is something of a landmark entrance to Catford) along the South Circular Road, has been integral in the evolution of the design with respect to the location of the building.
- 7.19 The same respect permeates the design detail of the new building. The massing where the design wraps around Headmaster's House (containing the junior school) would be set back from the south street-facing façade of the Headmaster's House by 3.2m, and is deliberately restricted to a scale of two storeys and devoid of rooftop structures or use. A glazed connection between the new-build and existing Headmaster's House further distinguishes and creates a visually lightweight space between old and new. These measures collectively ensure the scale and specific mass placement allows visibility of, and legible subservience to, the Headmaster's House building, which is of heritage and character-importance to the wider school setting.
- 7.20 As the building progresses north and away from the Headmaster's House, it remains at a two-storey scale for a distance of 16m past the rear elevation of the Headmaster's House. At this point, the design rises a further two storeys. Further north still, the lowest ground floor of the junior school no longer extends under the rear of the building, due to topography, rendering that part of the building (containing a new school hub and senior school facilities) three storeys in height. This scale is consistent with the main school building, and following the topography of the site, yet is appropriately set back within the length of the building so as not to detract from the prominence of the heritage and character-rich main school building. The 16m separation distance of the larger building mass, combined with the 5.2m difference in height from the top of the rooftop parapets of the Headmaster's House to the top of the rooftop parapets of the larger building mass, is considered to be sufficient in terms of spatial relief towards, and further visibility of, the Headmaster's House and the main school building.
- 7.21 It is considered that there is a high degree of visual interest and richness of detail achieved through different brickwork (laying method and colours) and glazing proposed to certain facades. There is also sensible differentiation in building mass proportions throughout the building. Collectively these design measures result in visual delineation and indication of the differing functions of the spaces provided throughout the building. This is considered to be achieved in a manner that complements the existing character and setting of school buildings by way of sensitive contrast and avoiding pastiche or mimicking of the architecture of the main school building and Headmaster's House building.
- 7.22 There is further visual interest, coherency and a clear hierarchy of spaces due to the fenestration pattern, depths of reveals and differing proportions of glazing used across the facades of the building. There is also suitable interaction between inside and outdoor environments through substantial glazing and access points in certain locations, and legible entrances to the building relative to function and importance of different parts of the building. This interaction between indoor and outdoor environments is appropriately heightened at the entrance to the nursery/reception

spaces on the lower ground floor of the building, which is complemented by a tree/shrub-surrounded waiting area for parents picking up young children. The façade of this component is notably varied in terms of three-dimensional details of bricks and unique placement of glazing, emphasising the role of this part of the building as serving the nursery/reception component of the school.

- 7.23 Access routes through and around the school as it would be modified by the proposal are considered to be good quality in terms of widths, relatively shallow gradients, and accessible to wheelchair users. Landscaping comprising a mixture of planting (trees and shrubs of various sizes) and soft and hard-surface treatment is located around the new building and in the new formal courtyard. The planting treatment is considered to appropriately visually soften and break up the bulk of the building (especially when viewed from the public realm to the west), whilst complementing by way of further delineating and creating opportunities for shade, the access and waiting routes to serve the new development.
- 7.24 The draft Construction Management Plan details that the first phase/sequence of construction traffic will traverse the site from an existing but unused vehicular entrance point in the south-west corner of the site, to the location of the proposed building in close proximity to a row of prominent trees positioned along the southern boundary of the school. This boundary landscaping is an integral component to the setting of the fields and the wider school. The applicant has agreed that a Tree Protection Plan will need to be in place to protect these trees, secured by way of a condition of planning permission.
- 7.25 One tree is proposed to be removed at the front boundary to facilitate the erection of the substation. Whilst this is regrettable, a significant amount of new planting, including specimen trees, are included near the location of this tree to be removed. On balance, the adverse impact of the loss of the tree to the streetscape and character of the site is considered to be acceptable.
- 7.26 The substation itself is a very small building, restricted to less than 2.8m in height and would be clad in red brick to match the material palette of the proposed building as well as existing school buildings. It would be located very centrally within the South Circular Road frontage of the main school site, well distanced from the front yards of residential properties further to the west of the school site. Considering this design, small scale and separation distances from other building and garden typologies, the inclusion of the substation is not considered to detract from the quality of, or adversely contrast with other buildings and front-yard patterns within, the streetscape of the main school site.
- 7.27 The application documents include acoustic insulation information, sizes of rooms and an assessment of ambient daylight and direct sunlight to rooms. It is acknowledged that there will be differing levels of sunlight and daylight to different learning spaces (mainly those on the lowest floor). However, given the combination of ambient daylight, direct sunlight, acoustic ventilation, relatively large classrooms, with exclusive and communal play spaces for the nursery/junior school which is located on the lower floors in the southern component of the building, the quality of the educational facilities to be provided across the school is considered to be suitably high. Considering the size, varying degree of sunlight reception, and differentiation of surface treatment and play equipment that would be provided to outdoor play spaces, the same conclusion is reached with respect to quality of outdoor play spaces including the proposed courtyard.
- 7.28 The design has been reviewed by the Council's Principal Urban Design Officer, who has provided advice which has been incorporated into the above assessment and,

subject to conditions regarding final materials and planting details, has no objection to the scheme on urban design grounds. The Council's Planning Trees Officer has also not raised any objection to tree removal and landscaping details for this component of the development (main school site) apart from the issue of tree protection and removal detailed in paragraphs 7.24 and 7.25 above.

- 7.29 For the reasons discussed above, the internal and external design of the proposed building and supplementary landscaping is considered to be suitably high quality whilst preserving and being scale-compatible with the important, high-quality contribution the site makes to the local streetscape and neighbourhood character. The proposed development at the main school site is therefore also considered to be consistent with the relevant planning policies referred to in paragraph 7.16 above.

Jubilee sports ground site

- 7.30 No objection is raised to the location and scale of structures to serve the proposed MUGA's at this site. A total of 10 floodlights would be erected, 5 at either ends of the new courts. These are separated by 20m distances and are of relatively slender proportions, ensuring the space is not unacceptably cluttered. It is also located next to the recently constructed hockey turf, which is also floodlit, restricting the extent of floodlighting poles to a relatively small proportion of the site. The location of these two floodlit playing fields are screened by dwellings or very well separated, from the public realm of Catford Road and Canadian Avenue respectively. Neighbouring amenity considerations are discussed further below. The northern half of the entire Jubilee playing fields would remain open and unencumbered with floodlighting poles, maintaining the character of the space in close-range views from Catford Road. For these reasons, the proposal as it concerns the Jubilee sports ground site is considered to be suitably high quality and compatible with the character and use of that site, and consistent with the relevant planning policies referred to in paragraph 7.15.

Heritage impacts

- 7.31 Chapter 16 of the NPPF, policies 7.4, 7.6 and 7.8 of the London Plan, policy HC1 of the draft New London Plan, Core Strategy Policies 15 and 16, and Development Management Policies 30, 33 and 36 are considered particularly relevant to the matter of heritage and conservation impacts.

Main school site

- 7.32 The proposal would result in the demolition of two post-1950 single storey additions to the Headmaster's House, and a wrap-around design of building mass in relation to that building. The overall scale of the building is substantial, and is positioned adjacent to prominent open green space adjacent to the two prominent buildings at the school when viewed from the west – Headmaster's House and the main chateau-style school building. As such, there is the potential for direct adverse impacts upon the heritage value of the the Headmaster's House as well as the setting of both buildings.
- 7.33 As discussed above under design quality, the design, varying scale and mass placement, elevation detailing and use of materials is considered to result in a building appropriately subservient, affording due primacy and visibility and being respectful in its positioning, to Headmaster's House. This is further emphasised by the glazed connection between old and new, and the retention of the majority of

original architectural detailing and cladding treatment of the west-facing façade of Headmaster's House within the glazed connection between old and new. This will therefore remain visible and appreciable to visitors to the new junior school, and appreciable from the public realm by keeping the roof of Headmaster's House intact.

- 7.34 The loss of the southern-most bay window is regrettable as this was part of Headmaster's House from the 1920's. The setting of Headmaster's House will also inherently be adversely affected to a degree. The northern and western façades, the latter of which is particularly visible from the public realm, will be substantially screened by the new building. Council's Senior Conservation Officer has reviewed the design and has advised however that "on balance that the proposal will not harm this building, which is in the main retained, refurbished and continued in use". Council planning officers agree with this position.
- 7.35 The justification for the harm to the setting of Headmaster's House (essentially the principle of the development) is accepted. It is noted that the significance of Headmaster's House is preserved to a considerable degree by the design (minimal removal of heritage-important original building fabric, substantial exposure of original building fabric either internally within the building or from the surrounding external spaces, keeping the roof intact, restricting the proposed building's scale and setting back the mass to give prominence to Headmaster's House). The set back of the southern façade and scale of the wrap-around component of the proposed building also ensures that the visual and spatial relationship of the key 'pivot' point of the visibility of Headmaster's House and the main school building behind, from the west, is maintained. The setting in the foreground of this view will remain open and substantially green to retain the important setting characteristics in this location.
- 7.36 On balance, the adverse heritage impacts upon the setting of the Headmaster's House building are considered to be relatively low and limited in comparison to the respect the design affords to the prominent relationship between the Headmaster's House and the main school building. The design considerably preserves the significance of the non-designated heritage asset. There will also be significant public benefits, namely improved educational and recreational facilities, as a result of the proposal. Therefore, the heritage impacts of the proposal at the school site are considered to be acceptable, and the proposal compliant with DM Policy 37 of the Development Management Local Plan (2014), Policies 15 and 16 of the Core Strategy (2011), and paragraph 197 of the NPPF (2018).
- 7.37 For the above reasons, the proposed development at the main school site is also considered to be consistent with the relevant planning policies referred to in paragraph 7.27 of this report.

Jubilee sports ground site

- 7.38 For the reasons as discussed under design quality and character impacts above, the proposed floodlight poles at the Jubilee sports ground are not considered to generate unacceptable clutter to this established field within the Culverley Green Conservation Area. The fencing around the MUGA's is the minimum necessary, restricted to 3m in height and to be coloured dark green to appropriately assimilate into the surroundings of the playing field environment. The above conclusions represent the advice of Council's Senior Conservation Officer, who has no objection on heritage grounds to the proposed MUGA's and associated structures at the Jubilee sports ground site.

- 7.39 The Culverley Green Residents Association Society were consulted on the application, given the site of the Jubilee sports ground proposed development is within the Culverley Green Conservation Area, and no submission was received.
- 7.40 No harm to the heritage of the site and its contribution to the Culverley Green Conservation Area is considered to result from the proposed development at the Jubilee sports ground. As such, the proposal is considered to satisfy DM Policy 36 of the Lewisham Development Management Local Plan (2014), Policies 15 and 16 of the Core Strategy (2011). On this basis, paragraphs 194 and 196 of the NPPF do not need to be satisfied in relation to the impacts of this proposal upon the designated heritage asset (conservation area). The character and appearance of the Culverley Green Conservation Area is considered to be preserved by the proposed development (with respect to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990).
- 7.41 For the reasons discussed above, the heritage impacts of the proposed development at the Jubilee sports ground are considered to be acceptable and the proposed development at the main school site is also considered to be consistent with the relevant planning policies referred to in paragraph 7.27 of this report.

Transport impacts and public safety

- 7.42 Chapters 8 and 9 of the NPPF, policies 6.3, 6.7, 6.9 – 6.11 of the London Plan, and Core Strategy Policy 14 are considered to be particularly relevant to the matter of transport impacts.
- 7.43 A Transport Statement prepared by Campbell Reith Consulting Engineers, and Travel Plans prepared by St Dunstan's College for the school site and Campbell Reith Consulting Engineers for the Jubilee sports ground have been submitted with the application, and should be read in conjunction with this report.

Main school site

- 7.44 There would be no increase in roll or staff numbers as a result of the proposal – which consolidates and provides new, replacement facilities at the school. Therefore there will be no increase in trips demanded to the school by either pupils or staff. There is no new vehicular access or change in existing vehicular access and parking arrangements. Therefore there will be no potential new or additional safety risks to vehicles and pedestrians/cyclists, or congestion created by adding or changing vehicle access points into the site.
- 7.45 The introduction of a courtyard in the centre of the school means that staff vehicles will traverse over this courtyard when arriving and leaving, to get to existing parking spaces at the rear of the site. These movements are expected to occur before and after the arrival and departure of students for the day, and at very slow speeds considering the narrow and winding design of the vehicle route through the school. This is therefore not considered to represent a significant safety risk to users of the school site. No objection to this component of the proposal has been raised by Council's Highways Officer.
- 7.46 The design would result in an improvement in terms of rationalising pick up and drop offs – junior school pedestrian movements will be in a different space within the school site, with a dedicated waiting space for parents picking up children. As a result of the separate entrance proposed for the junior school by the development, there will also be an improvement in terms of distribution and management of visitors, with

visitors to the junior school being located away from the one-way vehicular access route within the school. Signage is considered appropriate to further make clear the routes for different visitors to the site – this can be secured by way of a recommended condition of planning permission.

- 7.47 Whilst it is appreciated no further trips to the school site are expected to be generated (as staff and student roll is not increased by the proposal), it is not clear what the state of existing cycling storage facilities are for students and staff intent on cycling to the school. The Transport Statement submitted with the application details that cycling accounts for a relatively low mode share of those travelling to the school (4.5%). Given this low mode share, it is considered reasonable that final detailing of cycling storage facilities to serve the school as modified by the proposal be secured by way of a condition of planning permission. Transport for London have been consulted and have advised that given the substantial scale of redevelopment of the school site, this is optimal timing to promote sustainable transport and ensure adequate cycling infrastructure is serving the school. This is considered reasonable and relevant to planning matters arising from the application, necessary considering the degree of change to the school site and lack of information submitted to date, and thus can be included as a condition.
- 7.48 A draft Construction Management Plan has been submitted with the application (covering both the main school and Jubilee sports ground sites). This provides details of mitigation measures to reduce interruption and safety risks to the public and school users during the construction period. This includes coordination and restrictions of traffic movements relative to times during the day, safety hoarding and signage (inside and outside the school grounds) to be erected. This provides confidence that the construction traffic impacts, and risks to public safety, during the construction period would be suitably controlled and mitigated. Further final management details are considered necessary however and are recommended to be secured by way of a condition of planning permission, in accordance with advice from Council's Highways Officer.
- 7.49 For the reasons as stated above, the potential adverse impacts to the transport network, including public safety along the surrounding transport network, to be generated by the proposed development at the main school site are considered to be sufficiently low so as to be acceptable.
- 7.50 For the same reasons, the proposed development is also considered to be consistent with the relevant planning policies referred to in paragraph 7.39.

Jubilee sports ground site

- 7.51 The proposal inherently proposes four additional MUGA courts at this site, which will be used by the school during the day as well as being available for community use. This therefore represents a potential for increased trip generation to and from the Jubilee sports ground site by both the public in the evenings, when the facility is let out for community purposes, and during the day in terms of pedestrian trips to and from the school.
- 7.52 It is the assessment of the applicant's consulting traffic engineers that considering existing use at Jubilee sports ground, the PTAL rating of 5, and the high degree of local use and trips made via active and public transport modes (53%), the increase in four MUGA courts to the recreational facility is not going to generate a significant increase in private trips by car. It is further noted from the Travel Plan for the Jubilee sports ground site that the maximum occupancy of the car park during community

evening-use of the facilities was 56% (57 out of 101 parking spaces occupied). There is no objection to these assessments from Council's Highways Officers or Transport for London. As such, the proposed development at the Jubilee sports ground site is not considered to have the potential to generate significant increases in private trips by car to the point that overspill parking will adversely displace existing parking demand in the surrounding area.

- 7.53 It is further noted that improved access to the facilities at the site via active transport modes have been secured by a recently granted planning permission for an all-weather hockey pitch at the site (100 cycle parking spaces, secured under DC/17/107134). The Travel Plan for the Jubilee sports ground site also details that controlled access through gates and stairs directly into the site from Catford Road will be provided. Details of the timing and management of this access to optimise relative to school and community use is recommended to be secured by way of condition of planning permission.
- 7.54 Concern has been expressed by both Council's Highways Officer and Transport for London regarding the fact that the proposal inherently facilitates further use of the Jubilee site by school pupils (the MUGA's compensate for the loss of MUGA space at the school site). As such, the proposal is inherently generating further trips between the school site and the Jubilee school site. The condition and safety of this route is variable. It incorporates an underpass under the South Circular Road and footpaths in proximity to Catford and Catford Bridge stations and Catford town centre, which contain multiple items of street infrastructure including walls, railings, and bus stops which in places make the route narrow.
- 7.55 The concern is noted and valid, and it is not disputed that the pedestrian infrastructure is in places under-maintained, narrow and not in accordance with CPTED principles (Crime Prevention Through Environmental Design). However the infrastructure is long existing and serving the public, and trips between the two sites are already occurring (as the school owns and uses the Jubilee site). The trips occur during school hours i.e. outside of peak commute times when the routes are busy. The footpath and underpass are also outside of the ownership and control of the school (being the asset of Transport for London/Network Rail), and are scheduled to be substantially altered in the reasonably short-term future due to the realignment of the South Circular Road in its approach to and route around Catford.
- 7.56 The existing crossing across Catford Road at the intersection with Canadian Avenue (close to the vehicular and pedestrian access point to the site from Canadian Avenue) is controlled by traffic signals and therefore is very safe.
- 7.57 Considering the above, it is recommended that the scope of the travel plan for the school be widened to include risk review of routes used by pupils travelling between the two sites, and provisions to ensure reasonable addressing of identified safety risks along these routes moving forward (reporting any faults to the relevant highways authority (Transport for London)). This is considered to be an appropriate compromise considering the uncertainty of changes the relevant part of Stanstead Road (South Circular) in light of the proposed re-alignment of this road as part of regeneration of Catford Town Centre, scheduled to occur in the next 15 years.
- 7.58 For the reasons as stated above, the potential adverse impacts to the transport network, including public and school-user safety along the surrounding transport network, to be generated by the proposed development at the Jubilee sports ground site are considered to be sufficiently low so as to be acceptable.

- 7.59 For the same reasons, the proposed development is also considered to be consistent with the relevant planning policies referred to in paragraph 7.39.

Exposure to and production of air pollution

- 7.60 Chapters 9 and 15 of the NPPF, policy 7.14 of the London Plan, Core Strategy Policies 9 and 14 and Development Management Policy 23 are considered to be particularly relevant to the matter of air quality and air pollution impacts. The Air Quality Strategy for England, Scotland, Wales and Northern Ireland 2007, the London Environment Strategy 2018, and Lewisham's Air Quality Action Plan 2016 are also material to the consideration of exposure to air pollution.
- 7.61 The proposal would be in close proximity to Stanstead Road, a Class A 'red-route' road managed by Transport for London. The site is within Air Quality Management Area 6 as specified in the Lewisham Air Quality Action Plan. Data recorded from as recent as 2016 indicates that the South Circular Road has recently exceeded the EU-limit (annual mean) for Nitrogen Dioxide (NO₂) of 40µg/m³ in places.
- 7.62 Given the above, there is the potential that users of and visitors to the new building could potentially be exposed to air pollution levels exceeding EU-limits.
- 7.63 It is first and foremost noted that the proposal removes a play ground for nursery/reception/junior aged children which is currently located to the south of Headmaster's House, directly between that building and Stanstead Road. As such, the proposal inherently would reduce the potential for young children to be exposed to beyond-legal limits of air pollution by locating formal play spaces further away from the South Circular Road .
- 7.64 The applicant has submitted an Air Quality Impact Assessment prepared by Aether Consultants regarding the impacts of the proposal with respect to air pollution generation and exposure.
- 7.65 The assessment details measurements that have been completed at the site, and using expert predictions, out of 21 receptors located within surrounding outdoor areas and at window locations of the proposed development, one receptor is predicted to register NO₂ levels above the EU annual mean limit. The prediction is that the receptor would register 44 µg/m³ where the EU limit is 40µg/m³.
- 7.66 This receptor is at the southern edge of the waiting area proposed in front of Headmaster's House, being the closest receptor to Stanstead Road, and is at the lowest height used (ground level). Aether Consultants explain that when factoring in a standard 10% uncertainty tolerance for the predictions, this predicted level potentially would be as low as 40µg/m³ i.e. not exceeding the EU-limit. Furthermore, it is detailed that as the space affected is an outdoor waiting area where short exposure times can be expected, it is not subject to the annual mean EU-limit.
- 7.67 Council's Environmental Health (Air Quality Advisors) have considered the proposal, and agree with the methodology used to arrive at the predictions presented in the Aether report.
- 7.68 The new development is therefore predicted by appropriately-qualified experts to be very substantially compliant with EU-limits regarding air pollution levels. The sole instance of non-compliance affects a space that is exempt from being subject to the EU-limit, and when factoring in reasonable tolerance (as per industry guidance), may not exceed the EU-limit.

- 7.69 Aether Consultants, Council's Air Quality Advisors and Council Planning Officers recommend and consider however that the utmost be done to reduce air pollution exposure, particularly considering this proposal concerns a school with nursery-age pupils. For these reasons, it is recommended that a condition of planning permission be included regarding soft landscaping and the types of plants used surrounding the waiting area in front of Headmaster's House, to ensure the most optimal plant types and densities for further reducing air pollution levels within the waiting area, are used.
- 7.70 The Aether Consultant report further identifies that the development will be air-quality neutral, subject to using certain energy plant. This can be secured by way of condition of planning permission.
- 7.71 The current Mayor of London Sadiq Khan's publicised approach to tackling air pollution issues at schools (with such policy measures sitting outside the scope of current and draft London Plan policy i.e. are additional policy measures) has been considered in coming to the above conclusion. An audit of schools in London has resulted in a series of measures being recommended for schools, with funding available. In summary, this includes the likes of moving school entrances from polluted roads, avoiding engine idling near schools, greening along school frontages and in playgrounds to filter pollution, road use restrictions and design changes near schools, sustainable travel to schools and reducing emissions at schools.
- 7.72 The proposal includes significant green screening (multiple layers) between Stanstead Road and the new entrance to the junior school (which is not a new entrance directly connected to the road; rather, it stems from the existing entrance route into the school from Stanstead Road). The aim of the Mayor's programme regarding air pollution at schools is to reduce the sources of harmful emissions and reduce exposure. Exposure is reduced by the design of the building, set-back and removal of play spaces, and proposed landscaping. For these reasons, it is not considered proportionate to apply this measure identified by the Mayor to this context to the point that the entrance to the junior school be removed.
- 7.73 For the above reasons, the proposal is considered to be acceptable in terms of air pollution exposure and production, and consistent with the aforementioned policies, including relevant draft London Plan policies.

Neighbouring amenity impacts

- 7.74 Chapter 12 of the NPPF, policies 7.4 and 7.6 of the London Plan, Core Strategy Policy 15 and Development Management Policies 30 and 31 are considered to be particularly relevant to the matter of neighbouring amenity impacts.

Main school site

- 7.75 The building will be separated from the closest part of private open spaces (which are closer than any windows) at surrounding residential properties to the north, east and west by a minimum of 45m. The substantial majority of properties to the north and west have rear boundaries in excess of 100m from the closest part of the proposed building. Considering the scale compatibility of the proposed building, its use as a school, and also the positive impacts upon neighbours to the north-east in terms of demolishing buildings (removing existing building mass, which contributes to overbearing/sense of enclosure impacts), the proposal is not considered to have any material adverse residential amenity impacts upon the amenity of occupants of surrounding properties. This conclusion has been made having regard to amenity

factors such as overbearing/sense of enclosure, imposition upon outlook, sunlight/daylight reception and privacy.

- 7.76 Noise during weekday daytime hours from school use is established at the school. Council's Noise Officer has reviewed the proposal and expert acoustic reports provided, and has raised no objection to the issue of the location and layout of school buildings at the site being changed, nor creation of a courtyard, with respect to adverse impacts on the aural environment and amenity at neighbouring properties. As such, impacts of this nature on neighbouring amenity, including work-from-home activities, are considered to be acceptable.
- 7.77 The applicant has submitted an acoustic report detailing insulation measures as well as expected fixed plant emissions. The Council's Noise Officer is satisfied that noise impacts derived from fixed plant can be suitably reduced and managed by way of condition of planning permission. As such, noise emanating from proposed fixed plant is considered to be acceptable.
- 7.78 Construction-related impacts on amenity, such as noise, vibration, and dust, would be managed by the implementation of a construction management plan to be secured by condition of planning permission. The draft Construction Management Plan submitted by the applicant identifies measures to mitigate such impacts, such as dust suppression, restricted working hours to ensure unreasonable noise at important amenity times do not result.
- 7.79 For the above reasons, neighbouring amenity impacts of the proposed development at the main school site are considered to be acceptable, and the proposal consistent with the aforementioned policies, subject to conditions of planning permission.

Jubilee sports ground site

- 7.80 Considering the slender design and spaced arrangement of floodlighting poles, and varying degrees of screening by existing vegetation along the rear boundaries of properties along the eastern side of Canadian Avenue bordering the site of the proposed MUGA's, no material adverse outlook or overbearing impacts are considered to result upon the occupants of these properties.
- 7.81 Council's Environmental Health (Noise) Officer is satisfied that no material additional adverse noise impacts upon surrounding properties will be generated by the use of the additional MUGA's, based on the acoustic assessment undertaken by the applicant's consultant.
- 7.82 The lighting assessment submitted with the application details that a lighting intensity of no more than 2 lux would reach habitable-space windows at the nearest properties on the western side of Canadian Avenue. A level of 2 lux is demonstrated on a lighting contour plan submitted with the aforementioned lighting assessment as reaching approximately halfway down the length of the rear gardens of these properties – beyond this point, closer to windows, the lux level is less than this amount. By way of comparison, a measurement of 1 lux is the light of a candle when standing 1m away from the candle. As such, this nature of light spill is not considered to be an unreasonable or nuisance-generating level of illuminance, and accords to professional guidance as to exposure to light, based upon the advice of Council's Environmental Health (Lighting) Officer. Lighting is also proposed to be restricted in its design in terms of timing (not being able to be used between 10pm and 9am the following day). For these reasons, no persons occupying neighbouring properties are

considered to be adversely impacted by light spill or glare proposed at the Jubilee sports ground site.

Social and community impacts with respect to sports facility availability

- 7.83 Chapter 8 of the NPPF, policies 2.18 and 3.19 of the London Plan, Core Strategy Policies 19 and 20, and Development Management Policies 24 and 41 are considered to be particularly relevant to the matter of social and community impacts with respect to sports facility availability.
- 7.84 The proposal will result in the loss of four netball/tennis MUGA's at the school site, a junior cricket pitch having to be moved at the school site (but remaining available), and the loss of a junior football field at the Jubilee sports site. As compensation for this, two new, modern and high-quality MUGA's for school use would be provided at the school site, and four new similarly high-quality, floodlit MUGA's would be provided for school and community use at the Jubilee sports ground site. There is therefore a net increase in the number of MUGA's serving the school and community. Sport England have confirmed that there is no objection to the changes proposed with respect to sports facilities and playing field availability, subject to conditions ensuring community use availability of both sites. The applicant has confirmed that they are agreeable to such conditions. On this basis, the social and community impacts of the proposal with respect to playing field and sports facility availability are considered to be acceptable.

Sustainability and energy impacts

- 7.85 Chapter 14 of the NPPF, policies 5.2, 5.3, 5.7, 5.10, 5.12-5.15 of the London Plan, Core Strategy Policies 7-10 and 12, and Development Management Policies 22 and 24 are considered to be particularly relevant to the matter of sustainability and energy impacts.

Main school site

- 7.86 The applicant has submitted an Low Zero Carbon (LZC) Energy Report and a Stage 3 Energy and Sustainability assessment for the building project, as well as a Drainage Impact Assessment and Flood Risk Assessment.
- 7.87 A BREEAM rating of 'Excellent' has been set by the project, in compliance with Core Strategy Policy 8. This would ensure that the building meets high standards of environmental sustainability, concerning, in summary, energy types and use, CO₂ emissions, water management, heating and ventilation, and ecological impacts. A condition of planning permission can secure this outcome.
- 7.88 The LZC Energy Report details that with the inclusion of photo-voltaic panels generating renewable energy on the roof of the building, carbon demand is reduced by 46.7% and carbon dioxide emissions are reduced by 36%. This exceeds the 35% required London Plan Policy 5.2 and the relevant Energy Assessment Guidance published by the Mayor of London in October 2018. The proposal has been revised since the publication of the LZC report, including more PV panels to the roof, which would result in a greater performance with respect to reducing carbon use and carbon dioxide emissions.
- 7.89 The proposal occupies an area that is comprised of predominantly impermeable surfacing at present. The design ensures that the flow of surface water discharge from the site would be halved and managed within existing rainwater infrastructure

servicing the school. This takes into account additional surcharge predicted to be generated attributable to climate changes.

- 7.90 The Council as the Lead Local Flood Authority have confirmed that there is no objection to approving the development with respect to impacts upon localised flood risk and long-term sustainability with respect to local flood risk impacts, subject to conditions regarding approval of detailed surface-water drainage systems and proof that appropriate maintenance provisions are in place.

Jubilee sports ground site

- 7.91 This site is located within known Flood Zones as mapped by the Environment Agency. The Environment Agency have not objected to the proposal.
- 7.92 The design of the MUGA's includes permeable surfaces, and includes storage to store rainwater from a 1 in 100 year flood event plus 40% for climate change. The discharge rate is restricted to as low as practically possible, 2 litres/second. This is acceptable to the Council as the Lead Local Flood Authority, subject to conditions regarding approval of detailed surface-water drainage systems and proof that appropriate maintenance provisions are in place.
- 7.93 The Lighting Report submitted with the application details that the lighting design must achieve a high level of energy efficiency. As a result, lights will be on timers to reduce energy usage and lighting masts and number of lamps have been spread to ensure adequate illuminance for intended use whilst also achieving energy efficiency. The operation of the lighting will be secured by way of condition. Considering this, the lighting is considered to be suitably energy efficient.
- 7.94 Overall, in relation to both sites, the proposal is considered to suitably reduce its environmental footprint through specific design measures deliberately included so that the building can achieve a BREEAM rating of Excellent. Renewable energy usage is included for the building and water would be stored on-site which, along with other measures, will reduce water discharge from the building and associated landscaping. The combination of these measures is considered to ensure the building would be suitably sustainable for its lifetime, subject to a BREEAM 'Excellent' rating achievement condition and surface water conditions. For the same reason, the proposal is considered to be consistent with the aforementioned policies in paragraph 7.77.

Other environmental and ecological impacts

- 7.95 Both sites are relatively large in comparison to their surroundings, and therefore have more likelihood of having been used during war time and containing unexploded ordnances (UXO's). An electromagnetic survey has been carried out by Fellows UXO consultants in relation to the recently-approved hockey pitch at the southern end of the Jubilee site, which covered the location of the MUGA's proposed at the Jubilee ground. The risk of encountering any UXO's can be acceptably lowered through compliance with recommended conditions on this matter, as informed by expert consultant advice.
- 7.96 Multiple contamination and geotechnical assessments have been carried out by appropriately-qualified consultants in relation to both sites. These reports have been reviewed by Council's Environmental Health (Contamination) Officer, who has confirmed that subject to standard contamination conditions, there is no fundamental objection to the proposed development following the prescribed construction

methodology. The Environment Agency has also confirmed there is no objection to the proposed development on either site, subject to a similar standard condition.

- 7.97 The submitted reports provide the necessary confidence that the proposed development is environmentally feasible with respect to the above considerations. However, further testing would be necessary prior to development commencing, which can be appropriately secured and ensured by conditions of planning permission.
- 7.98 An ecological impact assessment has been submitted with the application. This has been reviewed by Council's Ecology and Open Space Manager. The assessment addresses protected species including bats, birds and badgers, with their being no concern from the consulting ecologist in terms of interruption to habitat subject to a condition ensuring any trees removed (one tree is proposed to be removed) must be done so outside of breeding bird season. The only concern from Council's Ecology and Open Space Manager related to lighting impacts upon certain habitats near the Jubilee site. Having reviewed further the lux contour plan provided with the lighting report, there are no objections from Council's Ecology and Open Space Manager subject to ensuring appropriate construction of the proposed living roof to the proposed building at the main school site.
- 7.99 One tree is proposed to be removed. No objection has been raised on ecological grounds regarding the loss of habitat. Tree removal is discussed in relation to landscaping and neighbourhood character in paragraph 7.24.
- 7.100 For the above reasons, the proposal is considered to be acceptable with respect to other environmental and ecological impacts and consistent with identified policy, subject to conditions of planning permission.

8.0 Local Finance Considerations

- 8.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- (a) a grant or other financial assistance that has been, or would or could be, provided to a relevant authority by a Minister of the Crown; or
 - (b) sums that a relevant authority has received, or would or could receive, in payment of Community Infrastructure Levy (CIL).
- 8.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 8.3 The Mayor of London's CIL is therefore a material consideration. CIL would be payable on this application and the applicant has completed the relevant liability form.

9.0 Equalities Considerations

- 9.1 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.
- 9.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
 - (c) foster good relations between people who share a protected characteristic and persons who do not share it.
- 9.3 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.
- 9.4 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>
- 9.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 9.6 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>
- 9.7 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, with the exception of disabled access which is provided for in the design, and therefore it has been concluded that there is no impact on equality to any person.

10.0 Human Rights Implications

- 10.1 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:

- Peaceful enjoyment of property
- Right to a fair trial
- Right to respect for private and family life

10.2 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.

10.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with convention rights would 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. This application has the legitimate aim of providing a new building for educational use. The rights potentially engaged by this application, are not considered to be unlawfully interfered with by this proposal.

11.0 CONCLUSION

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

11.2 Officers consider that the proposal holds no material inconsistency with relevant planning policy, nor does it generate any material adverse environmental or social impacts. The design, considering scale and mass placement, relationship to existing buildings and surrounding external spaces and setting, three-dimensional detailing and material palette, of the buildings at the main school site are considered to be suitably high quality and appropriate for the sensitive and prominent context of that site. The heritage value of the buildings and setting of the school site, and distribution of open-space and associated structures at the Jubilee site, has been carefully considered. There would be no material additional trips to the school by car as a result of the proposal, and sufficiently low trips to the Jubilee ground so as to not materially adversely impact the surrounding on-street parking resource or general traffic congestion. Neighbouring amenity will be appropriately preserved, and the proposed development at both sites ensure long-term sustainability with respect to flood risks, addressing contamination, and energy efficiency. Therefore having had regard to to all material planning considerations, approval of the scheme is able to be recommended by Council Planning Officers, subject to the recommended conditions.

12.0 RECOMMENDATION

GRANT PERMISSION subject to the following conditions:-

Conditions:

1. Time Limit for Commencement:

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

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

2. Total completion of development:

The use of the new Junior school/STEM block hereby approved at the main school site shall not be used or occupied for educational purposes until the four floodlit MUGA's at the Jubilee sports ground site have been completed and are ready to be used.

Reason: To ensure one development is completed and the other not being completed, when it is necessary for both developments to be completed to justify the approval of the planning permission with respect to the availability of sporting facilities.

3. Approved Plans and Documents:

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

DUNSC-1001-P05 Site Location Plan
DUNSC-1002-P04 Existing Site Plan
DUNSC-1006-P01 Existing Block Plan
DUNSC-1007-P01 Proposed Block Plan
DUNSC-2001-P09 Proposed Lower Ground Floor Plan
DUNSC-2002-P10 Proposed Upper Ground Floor Plan
DUNSC-2003-P10 Proposed First Floor Plan
DUNSC-2004-P10 Proposed Second Floor Plan
DUNSC-2011-P02 Proposed Substation
DUNSC-2015-P01 Existing Lower Ground (Former Headmaster's House)
DUNSC-2016-P01 Existing Upper Ground (Former Headmaster's House)
DUNSC-2017-P01 Existing First Floor (Former Headmaster's House)
DUNSC-2018-P01 Existing Roof Plan (Former Headmaster's House)
DUNSC-2021-P02 Demolition/Refurbishment (Former Headmaster's House)
DUNSC-2022-P02 Demolition/Refurbishment (Former Headmaster's House)
DUNSC-2023-P02 Demolition/Refurbishment (Former Headmaster's House)
DUNSC-2024-P02 Demolition/Refurbishment (Former Headmaster's House)
DUNSC-2051-P01 Proposed Lower Ground Floor Plan (1/2)
DUNSC-2052-P01 Proposed Lower Ground Floor Plan (2/2)
DUNSC-2053-P01 Proposed Upper Ground Floor Plan (1/2)
DUNSC-2054-P01 Proposed Upper Ground Floor Plan (2/2)
DUNSC-2055-P01 Proposed First Floor Plan (1/2)
DUNSC-2056-P01 Proposed First Floor Plan (2/2)
DUNSC-2057-P01 Proposed Second Floor Plan (1/2)
DUNSC-2058-P01 Proposed Second Floor Plan (2/2)
DUNSC-3003-P01 Proposed Elevations - Material Precedent
DUNSC-3010-P01 Proposed Brickwork Details
DUNSC-3015-P01 Existing Elevations (Former Headmaster's House)

DUNSC-3016-P01 Existing Elevations (Main College)
 DUNSC-3021-P01 Demolition/Refurbishment (Former Headmaster's House)
 DUNSC-4015-P01 Existing Sections (Former Headmaster's House)
 DUNSC-6601-P01 CDM Site Access & Maintenance Strategy
 DUNSC-6602-P01 CDM Building Access & Maintenance) Strategy
 DUNSC-7531-P01 Proposed Green Roof Details
 DUNSC-7752-P01 Junior School Entrance – Silicone Glazing Details
 DUNSC-9101-P03 Visual 01
 DUNSC-9102-P03 Visual 02
 DUNSC-9103-P02 Visual 03
 DUNSC-9104-P02 Visual 04
 DUNSC-9105-P02 Visual 05
 DUNSC-9106-P02 Visual 06
 DUNSC-9107-P03 Visual 07
 DUNSC-9108-P01 Visual 08
 wwa-1804-LL-105 Rear Courtyard Layout Plan
 wwa-1804-LL-107 Whole Site Layout Plan
 wwa-1804-LL-119 Junior School Frontage Layout
 wwa-1804-LL-129 MUGA Layout Plan (Jubilee)
 wwa-1804-LL-132 Nursery Play Layout Plan
 wwa-1804-LL-133 Jubilee MUGA – Site Location Plan
 wwa-1804-LL-134 College MUGA Layout
 wwa-1804-LL-135 Jubilee Location Plan
 wwa-1804-LL-136 Habitat Enhancement Plan
 wwa-1804-LP-301 Rear Courtyard Planting Plan
 wwa-1804-LP-302 Junior School Frontage Planting Plan
 wwa-1804-LD-501 Weldmesh Detail
 wwa-1804-LD-502 Tree Pit Details
 wwa-1804-Lse-401 Rear Courtyard Sections
 wwa-1804-Lse-402 Jubilee Ground MUGA Sections
 wwa-1804-Lse-403 Junior School MUGA Sections
 wwa-1804-Lse-404 Landscape Section – MUGA, Trees and Raised Terrace
 wwa-1804-doc-601 MUGA Soft Landscape Maintenance Programme
 wwa-1804-doc-602 Main Site Landscape Management and Maintenance Plan
 wwa-1804-doc-603 Outline Specification
 wwa-1804-doc-605 Image booklet
 BREEAM Pre-Assessment (St. Dunstan's College) (November 2018), prepared by Blew Burton;
 Energy Assessment (St. Dunstan's College), prepared by Pinnacle ESP;
 Air Quality Assessment (St. Dunstan's College) (November 2018), prepared by FAE Environment and Aether Consultants;
 Flood Risk Assessment & Drainage Impact Assessment (St. Dunstan's College), prepared by Price & Myers;
 Flood Risk Assessment (St. Dunstan's Jubilee Ground), prepared by Campbell Reith;
 Drainage Impact Assessment (St. Dunstan's Jubilee Ground), prepared by Campbell Reith;
 Lighting Assessment Report (St. Dunstan's Jubilee Ground), prepared by Silcock Dawson & Partners;
 Acoustic Feasibility Report (St. Dunstan's College), prepared by RBA Acoustics;
 Acoustic Feasibility Report (St. Dunstan's Jubilee Ground), prepared by RBA Acoustics;
 Arboricultural Implications Assessment & Updated and Enhanced Report on Tree Inspections (St. Dunstan's College), prepared by Broad Oak Tree Consultants Limited;

Arboricultural Implications Assessment (St. Dunstan's Jubilee Ground), prepared by Broad Oak Tree Consultants Limited;
Draft Construction Management Plan (November 2018), prepared by St. Dunstan's College, received 19.11.18.

Transport Assessment, Rev F2, prepared by Campbell Reith;
School Travel Plan (St. Dunstan's College) (September 2018), prepared by St. Dunstan's College, Issue 1;
School Travel Plan (St. Dunstan's Jubilee Ground) (November 2018), Rev F10, prepared by Campbell Reith, received 13.12.18.

DUNSC-2005-P10 Proposed Roof Plan
DUNSC-2059-P02 Proposed Roof Plan (1/2)
DUNSC-2060-P02 Proposed Roof Plan (2/2)
DUNSC-3001-P05 Proposed GA Elevations
DUNSC-3005-P02 Proposed GA Elevations (1/2)
DUNSC-3006-P02 Proposed GA Elevations (2/2)
DUNSC-4001-P05 Proposed GA Sections 1
DUNSC-4002-P05 Proposed GA Sections 2
DUNSC-4003-P05 Proposed GA Sections 3, received 7.01.19.

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

4. Sports Facilities Community Use Agreement

- (a) Prior to first use of the new MUGAs at the Jubilee sports ground or the re-arranged playing fields at the main school site hereby approved, a community use agreement prepared in consultation with Sport England shall have been submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to all grass pitches at the Jubilee sports ground site, the playing fields at the main school site and the four floodlit MUGA's at the Jubilee sports ground site hereby approved (including access to changing facilities and parking at both sites) and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.
- (b) The grass pitches at the Jubilee Sports Grounds, the playing fields at the main school site and the Multi-Use Games Area at the Jubilee Ground (including access to changing facilities and parking at both sites) shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facilities, and to ensure sufficient benefit to the development of sport in accordance with Policy 19 Provision and maintenance of community and recreational facilities of the Core Strategy (2011) and DM Policy 41 Innovative community facility provision of the Development Management Local Plan (2014) within the Lewisham Local Development Framework.

Main School Site Conditions

5. Construction Management:

No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-

- (a) Dust mitigation measures.
- (b) The location and operation of plant and wheel washing facilities
- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process.
- (d) Monitoring of the efficacy noise, dust and vibration mitigation measures during construction, including method, potential response actions, and frequency of monitoring.
- (e) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site, how these will be managed and coordinated to reduce the impact of construction-related activity upon the surrounding road network.
 - (iii) Measures to deal with safe pedestrian movement.
- (f) Security Management (to minimise risks of unauthorised personnel entering the site).
- (g) Details of the training of site operatives to follow the Construction Management Plan requirements.
- (h) Hazardous substance use and storage on the site, specifically fuel types to be used by mobile plant and where re-fuelling and storage of fuel would take place. Ultra Low Sulphur Diesel should be used for construction mobile plant.
- (i) Temporary provision of parking spaces for any permanent on-site parking demand, either elsewhere on-site or at the Jubilee sports ground site owned by the school.
- (j) Swept path diagrams to demonstrate forward exiting of construction vehicles from the site.
- (k) Measures to mitigate the extent of space needed, and time occupied, within the playing fields during the construction programme so as to minimise disruption to the use of the playing fields during the construction programme.

The development must be carried out in accordance with the approved Construction Management Plan.

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which would minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

6. Tree Protection During Construction:

No development shall commence on site until a Tree Protection Plan (TPP) has been submitted to and approved by the Council. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded. Changes in levels across the site, and details of the material type and permeability where surface materials are being changed, must be detailed on the drawing to accompany the TPP.

Reason: To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

7. Land stability and safety:

- (a) A detailed Unexploded Ordnance (UXO) Risk Assessment must be conducted at the school site. The Detailed UXO Risk Assessment must be carried out by a suitably qualified person (UXO specialist), and must be submitted to and approved in writing by the local planning authority prior to the commencement of excavation at the school site.
- (b) A UXO-qualified banksman must supervise all proposed excavation work hereby approved for the duration of excavation work at the school site, unless the documentation required to be submitted under condition 7(a) above indicates that the supervision of a UXO banksman during construction is not required.

Reason: To ensure the stability of the land to be developed, and the safety in the short-term (construction workers) in completing the project.

8. Drainage – Prior to installation:

Prior to the installation of the drainage system of the MUGA's and the building hereby approved at the main school site, detailed design drawings of all components of the drainage system including storage components to serve the main school site must be submitted to and approved by the local planning authority in consultation with the Lead Local Flood Authority.

Reason: To ensure the appropriate reduction to the risk of flooding to the building hereby approved and the flood risk at neighbouring properties, in accordance with Policy 10 Managing and reducing the risk of flooding.

9. Piling

- (a) No piling or any other foundation designs using penetrative methods shall take place, other than with the prior written approval of the local planning authority
- (b) Details of any such operations must be submitted to and approved in writing by the local planning authority **prior to commencement** of development on site and shall be accompanied by details of the relevant penetrative methods.

- (c) Any such work shall be carried out only in accordance with the details approved under part (b).

Reason: To prevent pollution of controlled waters and to comply with Core Strategy (2011) Policy 11 River and waterways network and Development Management Local Plan (November 2014) DM Policies 26 Noise and Vibration and 28 Contaminated Land.

10. Sustainability - BREEAM Rating:

- (a) The buildings hereby approved shall achieve a minimum BREEAM Rating of 'Excellent'.
- (b) No development shall commence above ground until a Design Stage Certificate for the building Junior school/STEM building hereby approved (prepared by a Building Research Establishment qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (c) Within 3 months of occupation of the Junior School/STEM building, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with part (a) for that specific building.

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2016) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

11. Site Contamination:

- (a) The development shall be carried out in accordance with the advice and recommendations of the 'Desk Study and Ground Investigations Report' prepared by GEA Consultants dated September 2018 submitted with the application, and certified as having been completed by a suitably qualified person (contamination consultant) and verified in accordance with the requirements of condition (f) below.
- (b) A topsoil/surface strip and removal to a depth of 250mm of all areas to be subject to development at the school site must be completed prior to the construction of the building or MUGA foundations, to adhere to the clarification information provided by the applicant dated 11.12.18. This must be certified as having been completed by a suitably qualified person (contamination consultant) and verified in accordance with the requirements of condition (f) below.
- (c) Any soil or other ground material imported as part of final landscaping must be recorded and validated as chemically clean in terms of LQM/CIEH Suitable 4 Use Levels for education and recreational land-use scenarios by a suitably qualified person (contamination consultant) prior to being deposited as part of the landscaping scheme, and verified in accordance with the requirements of condition (f) below.
- (d) If during any works on the site as authorised by this planning permission, contamination is encountered which has not previously been identified ("the new contamination") the Council shall be notified immediately and the terms of paragraph (e) below, shall apply to the new contamination. No further works shall take place on

that part of the site or adjacent areas affected, until the requirements of paragraph (e) below have been complied with in relation to the new contamination.

- (e) If condition (d) above is triggered at any time in undertaking the development hereby approved, no further development of buildings and landscaping hereby approved shall proceed until each of the following have been complied with:-
 - (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
 - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council, in consultation with the Environment Agency.
 - (iii) The required remediation scheme implemented in full.
- (f) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

This shall include verification of all measures, or treatments as required in (Sections (a), (b), and (c) and (d) if applicable, and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full.

The closure report shall include verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality requirements as agreed by the authority. Inherent to the above, is the provision of any required documentation, certification and monitoring, to facilitate condition requirements.

Reason: To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

12. Fixed Plant Noise Mitigation:

- (a) The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:2014.
- (b) Installation of fixed plant shall not commence until details of a scheme complying with paragraph (a) of this condition, including specification of all plant to serve the building at the school site, have been submitted to and approved in writing by the local planning authority.
- (c) The development shall not be occupied until the scheme approved pursuant to paragraph (b) of this condition has been implemented in its entirety. Thereafter the scheme shall be maintained in perpetuity.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

13. Design Quality – Architectural Details:

- (a) Notwithstanding the details hereby approved, prior to the completion of the superstructure of the Junior School/STEM building hereby approved, detailed plans at a scale of 1:10 showing window depth, design and joint to brickwork; door depth, design and joint to brickwork; balcony balustrade details and joints between panels and to parapets or other brickwork; and sections of three-dimensional recesses within facades, shall be submitted to and approved in writing by the local planning authority
- (b) The development shall be carried out in accordance with the approved details.

Reason: In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

14. Design Quality and Landscaping - Materials

- (a) The installation of external cladding materials or the laying of hard landscaping materials shall not commence on site until a detailed schedule and samples of all external materials and finishes (excluding roof materials) to be used on the building and in hard landscaping have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- (b) The installation of external cladding materials shall not commence on site until the following has been presented to and approved in writing by the Local Planning Authority:

A constructed sample panel with the mortar mix and bonding of each of the three types of brickwork to be constructed on all facades proposed, including details of how they would age over the next 20 years. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

15. Heritage

All brickwork to remain exposed along the western façade of the Headmaster's House building, inside and outside of the new Junior School/STEM building, must be kept as fair-faced brickwork and not be clad with external treatment such as render, paint or such similar treatment.

Reason: To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building and to comply with Policy 15 High quality design for Lewisham, and Policy 16 Conservation areas, heritage assets and the historic

environment of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest.

16. Tree Removal:

The removal of the tree to facilitate the erection of the substation building must be carried out outside of breeding bird season, between the months of September-February inclusive.

Reason: To protect local biodiversity and ecological welfare, in accordance with Policy 12 Open space and environmental assets of the Core Strategy (June 2011) and DM Policy 24 Biodiversity, living roofs and artificial playing pitches.

17. Living Roof:

- (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan nos. DUNSC-7531-P01 Proposed Green Roof Details hereby approved and maintained thereafter. A minimum settled substrate depth of 100mm must be achieved.
- (b) The living roof shall not be used for any other purpose than a living roof and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2015) , Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

18. Cycle Parking:

- (a) The educational building (not substation) hereby authorised by this planning permission shall not be occupied until the full details of the cycle parking facilities serving the school site and the Jubilee sports ground site as modified by the development hereby approved have been submitted to and approved in writing by the local planning authority. This includes the number of cycle parking spaces to be available to serve the development, justification for that number, and location of cycle parking spaces.
- (b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

19. Soft Landscaping and Air Pollution Exposure Mitigation:

- (a) A final scheme of soft landscaping around the junior school/STEM building, and all soft landscaping between the southern façade of the building hereby approved and the southern boundary of the site (including details of any trees or hedges to be planted and proposed plant numbers, species, location and size of trees and tree pits) to be implemented as part of the development shall be submitted to and approved in writing by the local planning authority prior to first occupation of the building. Comments on this plan as to the efficacy of all planting measures with respect to further reducing exposure to air pollution within the school site, must be included from a suitably qualified air quality expert, making reference to the findings of the Air Quality Assessment submitted with the application prepared by FAE Environment and Aether Consultants.
- (b) The soft landscaping approved under condition (a) above, must be planted and visibly established, with photographic evidence of this being submitted to and approved by the local planning authority, by the end of the first planting season following first permanent occupation of the Junior School/STEM building.
- (c) Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policy 9 Improving local air quality, Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 23 Air quality, DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

20. Air Quality Neutral:

Prior to the occupation of the Junior school/STEM building hereby approved, certification from a suitably qualified person (air quality expert or building services engineer) that the development at the school site is Air Quality Neutral as defined by London Plan Policy 7.14, with reference to the assumptions referred to in Section 3 of the FAE Environment/Aether Consultants report submitted with the application, must be submitted to and approved in writing by the local planning authority.

Reason: To ensure the London Plan target of at least air-quality neutral major developments, to comply with Policy 7.14 of the London Plan (2016), and improve local air quality at the site in compliance with Policy 9 Improving local air quality of the Core Strategy (June 2011), and DM Policy 23 Air quality of the Development Management Local Plan (November 2014).

21. Deliveries and Servicing Plan:

- (a) The development hereby approved at the main school site shall not be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.
- (b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.

- (c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

22. Travel management – Signage:

The development hereby approved at the main school site shall not be occupied until details of additional signage at the school site to direct and/or signal to parents and visitors to the Junior school the location of the waiting area and reception to the Junior school have been submitted to and approved in writing. The signage must be clear from the main entrance to the site where the reception to the Junior school is located. The submitted details must include the size of the sign and any lettering, and location and angle of the sign to be erected.

Reason: To ensure efficient operation of the vehicular and pedestrian routes within the school in proximity to the entrance from the South Circular Road, in accordance with Policy 14 Sustainable movement and transport of the Core Strategy (2011).

23. School Travel Plan:

- (a) The development hereby approved shall not be occupied until such time as a users Travel Plan, in accordance with Transport for London's 'Travel plan content' guidance has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.
- (b) The Travel Plan(s) shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives. The Travel Plan must include use of the buildings/site for any extra-curricular purposes, and must be widened in scope from the submitted travel plan to include risk review of, and reasonable provision to address by way of reporting to the relevant highways authority, any safety hazards or deficiencies in the route used by school children travelling between the school site and the Jubilee site.
- (c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

Reason: In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

24. Drainage – Proof of installation:

No part of the development hereby approved shall be occupied until such time as proof that the approved drainage system serving the main school site has been installed (through provision of photographs and installation contracts) has been submitted to and approved in writing by the local planning authority in consultation with the Lead Local Flood Authority.

Reason: To ensure the appropriate reduction to the risk of flooding to the building hereby approved and the flood risk at neighbouring properties, in accordance with Policy 10 Managing and reducing the risk of flooding of the Core Strategy Local Plan document (2011).

Jubilee sports ground conditions:

25. Construction Management:

No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-

- (a) Dust mitigation measures.
- (b) The location and operation of plant and wheel washing facilities
- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process.
- (d) Monitoring of the efficacy noise, dust and vibration mitigation measures during construction, including method, potential response actions, and frequency of monitoring.
- (e) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site, how these will be managed and coordinated to reduce the impact of construction-related activity upon the surrounding road network.
 - (iii) Measures to deal with safe pedestrian movement.
- (f) Security Management (to minimise risks of unauthorised personnel entering the site).
- (g) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements
- (h) Hazardous substance use and storage on the site, specifically fuel types to be used by mobile plant and where re-fuelling and storage of fuel would take place. Ultra Low Sulphur Diesel should be used for construction mobile plant.

The development must be carried out in accordance with the approved Construction Management Plan.

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which would minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

26. Tree Protection During Construction:

No development shall commence on site until a Tree Protection Plan (TPP) has been submitted to and approved by the Council. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded. Changes in levels across the site, and details of the material type and permeability where surface materials are being changed, must be detailed on the drawing to accompany the TPP.

Reason: To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

27. MUGA Construction Details:

No development shall commence until details of the final construction of, and layout of courts and structures to be erected and used (such as dividers, fences etc.) within, the Multi-Use Games Areas have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. A section of the layered construction of the MUGA surface must also be included. The Multi-Use Games shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Policy 19 Provision and maintenance of community and recreational facilities of the Core Strategy (2011) and DM Policy 41 Innovative community facility provision of the Development Management Local Plan (2014) within the Lewisham Local Development Framework.

28. Drainage – Prior to installation:

Prior to the installation of the drainage system of the MUGA's hereby approved at the Jubilee sports ground site, detailed design drawings of all components of the drainage system including storage components to serve the site must be submitted to and approved by the local planning authority in consultation with the Lead Local Flood Authority.

Reason: To ensure the appropriate reduction to the risk of flooding to the sports facilities hereby approved and the flood risk at neighbouring properties, in accordance with Policy 10 Managing and reducing the risk of flooding.

29. Land stability and safety:

A UXO-qualified banksman must supervise all proposed excavation work hereby approved for the duration of excavation work.

Reason: To ensure the stability of the land to be developed, and the safety in the short-term (construction workers) in completing the project.

30. Site Contamination:

- (a) The development shall be carried out in accordance with the advice and recommendations contained within 'Recommendations for Further Work' within the report 'Jubilee Ground Multi Use Games Area – Geoenvironmental and Geotechnical Desktop Study' prepared by Campbell Reith Consultants dated October 2018 submitted with the application, and certified as having been completed by a suitably qualified person (contamination consultant) and verified in accordance with the requirements of condition (f) below.
- (b) Any soil or other ground material imported as part of final landscaping must be recorded and validated as chemically clean in terms of LQM/CIEH Suitable 4 Use Levels for education and recreational land-use scenarios by a suitably qualified person (contamination consultant) prior to being deposited as part of the landscaping scheme, and verified in accordance with the requirements of condition (e) below.
- (c) If during any works on the site as authorised by this planning permission, contamination is encountered which has not previously been identified ("the new contamination") the Council shall be notified immediately and the terms of paragraph (d) below, shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (d) below have been complied with in relation to the new contamination.
- (d) If condition (c) above is triggered at any time in undertaking the development hereby approved, no further development of buildings and landscaping hereby approved shall commence until each of the following have been complied with:-
 - (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
 - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council in consultation with the Environment Agency.
 - (iii) The required remediation scheme implemented in full.
- (e) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

This shall include verification of all measures, or treatments as required in (Sections (a), (b), and (c) and (d) if applicable, and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full.

The closure report shall include verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality requirements as agreed by the authority. Inherent to the above, is the provision of any required documentation, certification and monitoring, to facilitate condition requirements.

Reason: To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with DM Policy 28 Contaminated Land of the Development Management Local Plan (2014).

31. Lighting:

The floodlighting of the MUGA's hereby approved at the Jubilee site must be installed, in accordance with the report 'Lighting Assessment Report for St Dunstan's College External MUGA Pitch Lighting' prepared by Silcock Dawson and Partners so as to ensure compliance with the lux contour plan accompanying that report (Drawing No. 160210 E100 T8 dated March 2017). The lighting must be operated in compliance with this condition in perpetuity.

Reason: To ensure that the lighting hereby approved does not cause unreasonable light spill or glare impacts upon neighbouring amenity, or adverse ecological impacts, in accordance with DM Policy 27 Lighting of the Development Management Local Plan (2014).

32. Drainage – Proof of installation:

The commencement of the use of the MUGA's hereby approved at the Jubilee sports ground site shall not occur until such time as proof that the approved drainage system serving the main school site has been installed (through provision of photographs and installation contracts) has been submitted to and approved in writing by the local planning authority in consultation with the Lead Local Flood Authority.

Reason: To ensure the appropriate reduction to the risk of flooding to the building hereby approved and the flood risk at neighbouring properties, in accordance with Policy 10 Managing and reducing the risk of flooding of the Core Strategy Local Plan document (2011).

33. Access arrangements

The commencement of the use of the MUGA's hereby approved at the Jubilee sports ground site shall not commence until details of the management and availability of the pedestrian gate and stairs connecting the playing fields at the Jubilee sports site and Catford Road to school and community users have been submitted to and approved by the local planning authority.

Reason: To ensure adequate and convenient access for all users of Jubilee sports ground to the school site and important public transport stops and stations, including persons parking at the Jubilee sports ground site and walking to the school site, to ensure compliance with Policy 14 Sustainable movement and transport of the Core Strategy (2011).

34. Noise and Lighting – Hours of Operation:

The MUGA development hereby approved shall only be used between the hours of 8am and 10pm on any day of the week.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Policies DM 26 Noise and vibration and DM 27 Lighting of the Development Management Local Plan (November 2014).

Informatives

- A. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted. The application was the subject of pre-application meeting discussions, and further amendments to the design were made during the processing of the application to improve the quality of design of the building.
- B. The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) would constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.
- C. As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which would be payable on commencement of the development. Before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- D. Applicants are advised to read 'Contaminated Land Guide for Developers' (London Borough's Publication 2003), on the Lewisham web page, before complying with the above condition. All of the above must be conducted in accordance with DEFRA and the Environment Agency's (EA) - Model Procedures for the Management of Land Contamination.

Applicants should also be aware of their responsibilities under Part IIA of the Environmental Protection Act 1990 to ensure that human health, controlled waters and ecological systems are protected from significant harm arising from contaminated land. Guidance therefore relating to their activities on site, should be obtained primarily by reference to DEFRA and EA publications.

- E. You are advised to contact the Council's Drainage Design team on 020 8314 2036 prior to the commencement of work.
- F. It is expected that the submitted draft Construction Management Plan would form the basis of the final Construction Management Plan, updated to address all the matters specified in the relevant condition as well as incorporating best practice measures recommended in Lewisham's Good Practice Guide - Control of pollution and noise from demolition and construction sites, and the London Plan Supplementary Planning Guidance - The control of dust and emissions during construction and demolition (July 2014).
- G. EA Informative - Flood risk

We note that the development site at St Dunstan's college lies within Flood Zone 1 which is defined as having a 'low probability' of river and sea flooding by the 'flood risk and coastal change' section of the national Planning Practice Guidance (PPG) (Table 1: flood zones of the flood zone and flood risk tables). Accordingly, we have no concerns with respect to these development proposals.

We also note that the proposals at the sports ground are situated within Flood Zone 3 which is defined as having a 'high probability' of river and sea flooding by the 'flood risk and coastal change' section of the national PPG (Table 1: flood zones of the flood zone and flood risk tables). We further note that the proposed development would likely be classified as 'less vulnerable' and 'water compatible' by the 'flood risk and coastal change' section of the national PPG (Table 2: flood risk vulnerability classification of the flood zone and flood risk tables). We note that the proposals ensure that there will be no loss in floodplain storage, and that levels within the floodplain will be at or below that of the existing ground level.

H. EA Informative - Groundwater and land contamination

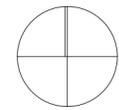
We consider that the submitted 'desk study and ground investigation report' by Geotechnical & Environmental Associates Ltd (dated September 2018 with reference J18154) regarding the school and STEM building and the submitted 'geoenvironmental and geotechnical desktop study' by Campbell Reith Hill LLP (dated 05 October 2018 with reference 12478) regarding the sports ground have been carried out in line with relevant guidance. We can confirm that the recommendations and analysis of risks and liabilities detailed in the submitted documentation are agreed in principle.

- I. With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water to which we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.
https://urldefense.proofpoint.com/v2/url?u=https-3A_developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Apply-2Dand-2Dpay-2Dfor-2Dservices_Wastewater-2Dservices&d=DwIDAw&c=OMjwGp47Ad5otWI0_lpOg&r=A6bK4sK7myXptjA_uaaZPj7OE6BO0ng5QMu-6ha_RdQ&m=-yqeDakAx-xUVNQ07xGFITtSCv0O80f5HSybceucJzU&s=9LMqtVg5p0N1elsbmxo3XQafjUeNVx_tlrHVZt1eyh1M&e=
- J. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- K. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.
https://urldefense.proofpoint.com/v2/url?u=https-3A_developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Planning-2Dyour-2Ddevelopment_Working-2Dnear-2Dor-2Ddiverting-2Dour-2Dpipes&d=DwIDAw&c=OMjwGp47Ad5otWI0_lpOg&r=A6bK4sK7myXptjA_uaaZPj7OE6BO0ng5QMu-6ha_RdQ&m=-yqeDakAx-xUVNQ07xGFITtSCv0O80f5HSybceucJzU&s=fZmL4-OmZbNb0_AbfvOItrqWU_apqB4yEOcbZPWxy4&e=. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

- L. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.
https://urldefense.proofpoint.com/v2/url?u=https-3A_developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Planning-2Dyour-2Ddevelopment_Working-2Dnear-2Dor-2Ddiverting-2Dour-2Dpipes&d=DwIDAw&c=OMjwGp47Ad5otWI0_lpOg&r=A6bK4sK7myXptjA_uaaZPj7OE6BO0ng5QMu-6ha_RdQ&m=-yqeDakAx-xUVNQ07xGFITtSCv0O80f5HSybceucJzU&s=fZmL4-OmZbNb0_AbfbVOltRqwU_apqB4yEOcbZPWxy4&e
- M. Guidance on preparing Community Use Agreements is available from Sport England.
<http://www.sportengland.org/planningapplications/>
- N. The MUGA's are granted without any conditions relating to noise on the basis that hockey is not proposed to be played on the MUGA's hereby approved. If that changes in the future, an amendment to the planning application will be necessary.

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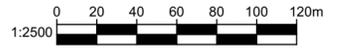


KEY

- Other land owned by applicant
- Site boundary for Planning Application

rev	description	drawn	checked	date
P05	Planning Issue.	RB	JH	16.11.18
P04	Planning Pre-Application Issue. Red line boundary extended to include playing fields & Blue line amended to suit.	RB	JH	08.06.18
P03	RIBA Stage 2 Issue.	RB	JH	25.05.18
P02	Preliminary Issue	RB	JH	17.05.18
P01	DRAFT issue	RB	JH	27.04.18

rev	description	drawn	checked	date
0				



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 e StDunstans@bondbryan.co.uk

**St Dunstan's
New Junior School & STEM Building**

St Dunstan's College



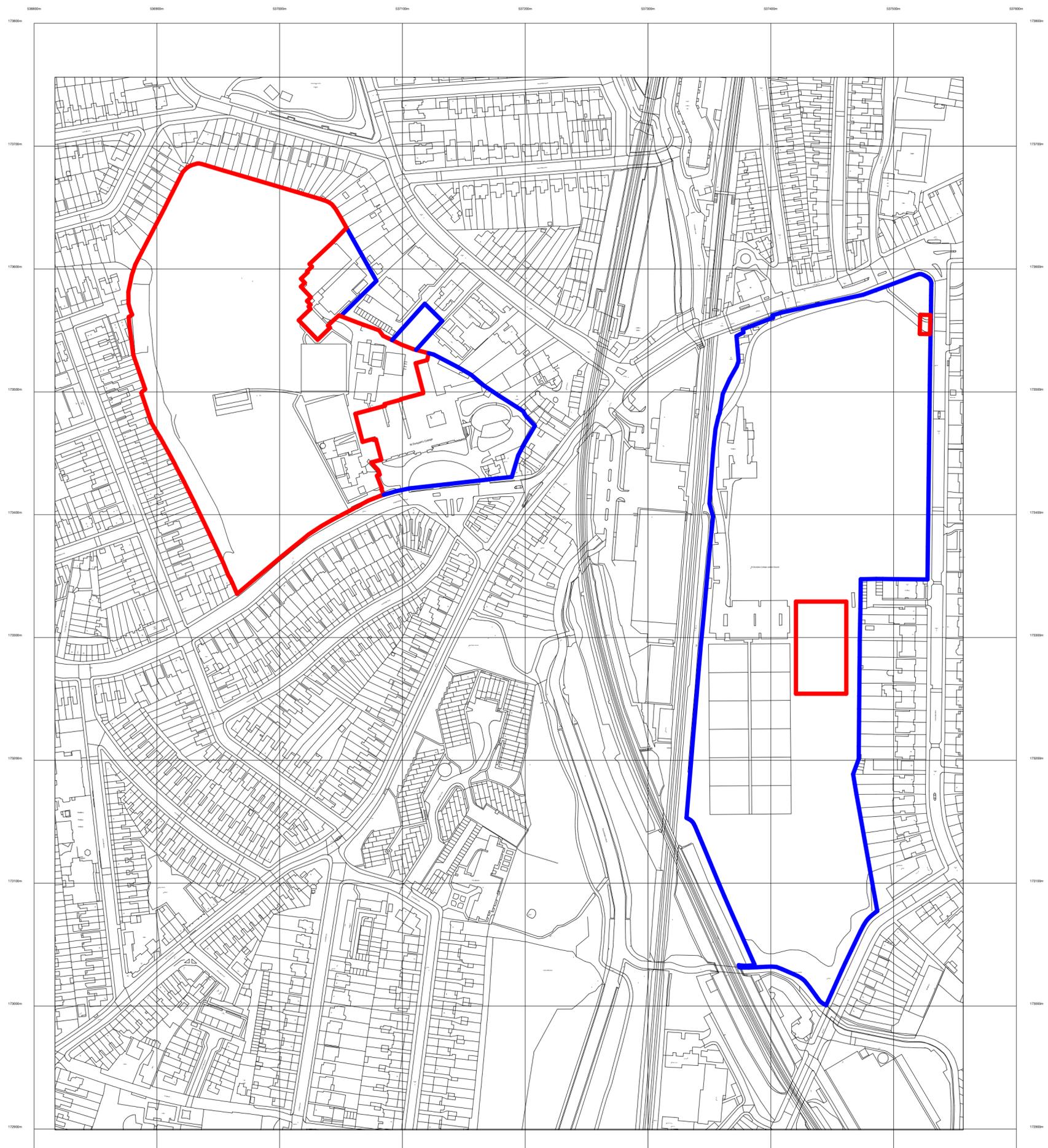
SITE LOCATION PLAN

bba project reference	scale(s)	original paper size
17-171	1:2500	A2

project	originator	volume	level	type	role	number
DUNSC - BBA - 00 - ZZ - DR - A - 1001						

status : suitability description :
D5 ISSUED FOR PLANNING
 revision : revision description :
P05 PRELIMINARY

This document is © Bond Bryan Architects Ltd. If in doubt ASK. Drawing measurements shall not be obtained by scaling. Verify all dimensions prior to construction. Immediately report any discrepancies on this document to the Architect. This document shall be read in conjunction with associated models, specifications and related consultant's documents.



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Committee	PLANNING COMMITTEE B	
Report Title	109-111 Kirkdale, SE26	
Ward	Forest Hill	
Contributors	Amanda Ghani	
Class	PART 1	28 February 2019

<u>Reg. Nos.</u>	(A) DC/18/106154
<u>Application dated</u>	05/03/18
<u>Applicant</u>	Mr Mansoor Drawing and Planning Ltd on behalf of Mr Alsen
<u>Proposal</u>	The demolition of the existing buildings at 109-111 Kirkdale SE26 and the construction of a part 3/part 4 storey plus basement building (fronting Kirkdale), incorporating terraces and balconies to provide two retail units (Use Class A1), 3 one bedroom self-contained flats and 1 two bedroom self-contained flats plus internal cycle storage and bin stores.
<u>Background Papers</u>	(1) Case File LE/240/109/TP (2) Local Development Framework Documents (3) The London Plan (4) The NPPF
<u>Designation</u>	Existing Use – A1 Retail, PTAL 4

1.0 Summary

This report sets out officer's recommendation in regard to the above proposal. The report has been brought before members for a decision as:

- there is one or more objection from a recognised residents' association or community/amenity group within their area

2.0 Property/Site Description

- 2.1 The application site comprises two, two storey properties located on the northeast side of Kirkdale, within a small parade providing ground floor commercial activity. No. 109 is currently vacant, with associated storage above and a large timber shed at the rear. No. 111 is in use as a bike shop, with self-contained residential accommodation at the rear and first floor.
- 2.2 The surrounding area provides a mix of commercial and residential uses. To the north of the site are retail units with residential above; whilst to the south is an

adjoining empty commercial unit with two storeys of residential above. On the opposite side of Kirkdale is a four-storey block of flats called Denham Court. There are two storey retail properties with residential above on either side of Denham Court.

- 2.3 To the rear of the application site is a narrow vehicular/ pedestrian route accessed from Willow Way, whilst to the east of that is a vacant site that was formerly occupied by council offices and depots.
- 2.4 The application site provides no off-street parking spaces. Public transport within the immediate area is good, with a number of bus routes operating along Kirkdale and Dartmouth Road, whilst Sydenham Train Station lies within walking distance. The PTAL (Public Transport Accessibility Level) rating for the area is 4.
- 2.5 The Halifax Street Conservation Area lies 10 metres away from the application site on the opposite side of Kirkdale. There are a number of listed buildings in the near vicinity, including 124-128 and 134-146 Kirkdale. The former Woodman Public House is located on the south-west corner of Kirkdale, opposite the subject site and is locally listed.

3.0 Planning History

- 3.1 In 2004, planning permission (DC/04/057353) was refused for the demolition of the existing building at 111 Kirkdale, and the construction of a part three/ part four storey building comprising 2, self-contained studio flat, 1, one bedroom and 1, two bedroom flat. The application was refused under delegated powers. The reasons for refusal were:

The proposed building, by reason of its overall height and bulk and relationship to adjoining buildings would represent an obtrusive form of development detrimental to the amenities of neighbouring residential occupiers in terms of loss of daylight and outlook.

The proposed development would be of insufficient design quality for this location. The front façade would not relate well to the street and would not present an active frontage to Kirkdale, detrimental to the visual amenities and character of the locality and the Kirkdale street scene.

The layout would provide substandard accommodation for the occupiers of the proposed building, particularly Flat A on the ground and first floors, by virtue of lack of daylight and outlook.

The proposal contains limited on-site parking and this is likely to encourage additional on-street car-parking demand in Kirkdale and Willow Way and surrounding streets, which could be detrimental to the free flow and safety of traffic.

- 3.2 In 2009, (DC/09/072209) a planning application was submitted proposing the demolition of the existing buildings and the construction of a part three/part four-storey plus basement building (fronting Kirkdale) to provide office and retail units on the ground floor and 3 three bedroom self-contained flats, incorporating terraces and balconies, together with a three storey plus basement building at the rear to provide 2 two bedroom self-contained flats and 1 three bedroom self-

contained maisonette, with a shared courtyard and amenity space, provision of 6 bicycle spaces and internal bin stores.

- 3.3 The application was refused at Planning Committee for the following reason:

The proposed development, by reason of its scale, design and close proximity of the buildings would be out of keeping with the street scene, result in lack of privacy between facing habitable rooms within the development and would constitute overdevelopment of the site, contrary to Policies URB 3 Urban Design and HSG 5 Layout and Design of New Residential Development in the adopted Unitary Development Plan 2004 and the Residential Standards Supplementary Planning Document 2006.

- 3.4 In 2012, a planning application (DC/12/079479) was submitted for the demolition of the existing buildings at 109-111 Kirkdale SE26 and the construction of a part 3/part 4 storey plus basement building (fronting Kirkdale), incorporating terraces and balconies to provide one retail unit and 3 three bedroom self-contained flats, together with a three storey plus basement building at the rear to provide 2 two bedroom self-contained maisonettes with a central courtyard and amenity space, provision of 6 bicycle spaces and internal bin stores.

- 3.5 The application was refused under delegated powers for the following reason:

The proposed rear building, by reason of scale, height and siting, contributes to an unacceptable overdevelopment of the site, lying in close proximity of the proposed building fronting Kirkdale, whilst providing sub-standard residential accommodation within the basement by way of poor outlook, lack of natural light and sense of enclosure, together with the provision of single aspect windows on the upper floors, contrary to Objective 10: Protect & Enhance Lewisham's Character & Policy 15: High Quality Design for Lewisham of the adopted Local Development Framework - Core Strategy (June 2011) and saved policies URB 3 Urban Design, HSG 4 Residential Amenity and HSG 5 Layout and Design of New Residential Development in the Council's Unitary Development Plan (July 2004).

- 3.6 This application was subsequently dismissed at appeal. The Inspector concluded that on balance the proposal would not provide acceptable living conditions for the incoming occupiers of the rear 3 storey block with basement to Willow Way. There would also be an identifiable shortfall with respect to Objective 10 in the Lewisham Core Strategy (2011), which seeks high standards of urban design and residential quality.

- 3.7 In 2016 an application (DC/16/098846) was submitted for the demolition of the existing buildings at 109-111 Kirkdale SE26 and the construction of a part 3/part 4 storey plus basement building (fronting Kirkdale), incorporating terraces and balconies to provide one retail unit and 6 one bedroom self-contained flats and internal bin stores. The application was refused under delegated powers for the following reasons:

- 3.8 *The proposed development by reason of proposed height, massing, design and plot coverage would fail to integrate successfully with the existing terrace appearing as an incompatible and incongruous addition to the Kirkdale street scene; significantly harming the character and appearance of the host terrace and surrounding area contrary to Policy 15 High quality design for Lewisham of the*

Core Strategy (2011), DM Policy 30 Urban design and local character and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (2015).

- 3.9 Due to the lack of provision of any amenity space for two of the proposed units (2 and 4), the undersized amenity space for units 1,3 and 6, and the failure to meet the Housing SPG's requirement with regard to balcony depth, the proposed development would provide inadequate outdoor amenity space, giving rise to substandard residential accommodation contrary to standards 26 and 27 of Mayor of London's Housing Supplementary Planning Guidance, Policy 3.5 Quality and design of housing developments of the London Plan (2016), DM Policy 32 Housing design, layout and space and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (2015).
- 3.10 The applicant has failed to demonstrate the capability of the application site to provide cycle storage in accordance with Standard 20 of the Mayor of London's Housing Supplementary Planning Guidance (2016), Policy 6.9 Cycling of the London Plan (2016), including table 6.3, and Core Strategy Policy 14 Sustainable Movement and Transport (2011).
- 3.11 The applicant has failed to demonstrate the capability of the application site to provide adequate refuse and recycling storage and collection arrangements in accordance with Standards 22 and 23 of the Mayor of London's Housing Supplementary Planning Guidance (2016).
- 3.12 In summary, the main differences between the current proposal and previous refused applications include a reduction in height on the Kirkdale frontage from four to three storeys along with a reduction in the number of residential units being proposed. Previous applications DC/09/072209 and DC/12/079479 proposed a courtyard between two blocks of development; whereas the current application is for one tiered building.

4.0 The Proposal

The proposal would include the demolition of the adjoining properties at nos. 109-111 Kirkdale and associated structures to the rear. To the front of the site, a part three/part four storey plus basement building would be constructed, incorporating terraces and balconies to provide two retail (Use Class A1) units with ancillary office space; 3, one bedroom self-contained flats and 1, two bedroom self-contained flats; ancillary storage facilities at lower ground and basement levels.. The storage areas would be capable of being used independently as the two lower floors would be accessible from the rear of the building.

The application proposes cycle and bin storage to the rear of the lower ground floor.

4.1 Unit sizes/types (table 1.1)

	Unit type	Unit size (GIA)	Room Sizes	Floor ceiling heights to	Private amenity space
Unit 1.01	2B3P	77.14sqm	Bed 1 –	2.5m	8.23sqm

			17.4sqm Bed 2 – 11.82sqm		
Unit 1.02	1B2P	58.12sqm	Bed 1 – 17.48sqm	2.5m	4.30sqm
Unit 2.01	1B2P	52.70sqm	Bed 1 – 11.50sqm	2.5m	8.56sqm
Unit 2.02	1B2P	57.70sqm	Bed 1 – 13.02sqm	2.5m	4.3sqm
Unit C1	Commercial unit	203.34sqm		2.7m	
Unit C2	Commercial unit	158.35sqm		2.7m	

4.2 Proposed Materials

The frontage would incorporate large areas of glazing on all three floors. Glazing to the first and second floors would be in the form of bi-folding, aluminium framed doors set behind Juliet balconies. The shop windows and windows to the rear would be powder coated aluminium framed. Access to the residential units is via a communal front door between the two shop fronts with separate entrances to the retail units at either far end of the frontage.

The ground floor would be faced in IB Stock brick, Staffordshire Slate Blue Smooth, The upper floors in IB Stock brick New Ivanhoe Cream

The flat roofs would be felt covered, apart from the two lower level roofs, which would be green.

5.0 Consultation

This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and met those required by the Council's adopted Statement of Community Involvement.

- 5.1 Site notices were displayed and letters were sent to residents and business in the neighbouring area and the relevant ward Councillors. The Forest Hill Society and Sydenham Society and Thames Water were also consulted along with the Council's Highways and Environmental Sustainability Officers.
- 5.2 One objection was received from a neighbouring property and the other from the Sydenham Society in relation to the scheme as originally proposed. The main points of the objections are outlined below:

Written Responses received from Local Residents and Organisations

5.3 Neighbour objection

No site notice displayed. The development is an exercise in developing and making money out of the proposed upper floors rather than providing usable commercial units at ground floor

5.4 The Sydenham Society has listed a number of planning policies in support of their objections and the following summarised reasons as outlined in their objection to DC/16/098846 for a similar proposal on site:

- No site notice displayed.
- Loss of historically important buildings.
- Inadequate/confusing plans and drawings. (plans say not to be scaled; no design and access statement, no side elevations, no site levels, should be classed as major development)
- Over development - out of keeping in terms of size and density.
- No indication of what two basement floors will be used for
- One bed flats offer no room for families and existing family will loose home.
- Not wheelchair accessible.
- Overbearing to the property at 107 in terms of loss of light and outlook and sense of enclosure and privacy
- Appear oppressive for pedestrians
- No fire escape from flats
- Incongruous design - strange lightwell.
- Poor outlook from rear of flats
Neighbours garden will be overlooked
- Bin stores at front entrance conflict with local arrangements regarding refuse collection.
- Fear that shop units won't be let and consequently turned into residential accommodation.

5.5 Matters including the quality of drawings and emergency access are not material planning considerations. The remainder of the above comments have been addressed in the main body of the report.

6.0 Policy Context

Introduction

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be

made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework (NPPF) 2018

The revised NPPF, originally published in 2012, was published on 24th July 2018 and is a material consideration in the determination of planning and related applications.

It contains at paragraph 11, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on its implementation. In summary, this states in paragraph 213, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF and in regard to existing local policies, that '...due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

Officers have reviewed the Core Strategy and Development Management Local Plan for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

National Planning Practice Guidance 'NPPG' (2014 onwards)

On 6th March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents, and is subject to continuous periodical updates in difference subject areas

The Development Plan

The London Plan, Lewisham's Core Strategy, together with the Site Allocations DPD, the Lewisham Town Centre Local Plan and the Development Management Local Plan together constitute the borough's Development Plan.

London Plan (March 2016)

The London Plan was updated on the 14 March 2016 to incorporate Housing Standards and Parking Standards Minor Alterations to the London Plan (2015). The new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018). The Mayor published proposed modifications to the Draft Plan in August 2018. The document is at an early stage in the process and has some limited weight as a material consideration when determining planning applications. The policies in the current adopted London Plan (2016) relevant to this application are:

- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.8 Housing choice
- Policy 4.2 Offices

Policy 4.3 Mixed use development and offices
 Policy 4.9 Small shops
 Policy 5.3 Sustainable design and construction
 Policy 5.10 Urban greening
 Policy 5.11 Green roofs
 Policy 5.12 Flood risk management
 Policy 5.13 Sustainable drainage
 Policy 5.18 Construction, excavation and demolition waste
 Policy 6.9 Cycling
 Policy 6.10 Walking
 Policy 6.13 Parking
 Policy 7.3 Designing out crime
 Policy 7.4 Local character
 Policy 7.5 Public realm
 Policy 7.6 Architecture
 Policy 7.19 Biodiversity and access to nature conservation

It is not considered that there are any policies in the draft London Plan which are particularly relevant to the determination of this application.

London Plan Supplementary Planning Guidance (SPG)

The London Plan SPG's relevant to this application are:

[Housing](#) (March 2016)

Core Strategy (June 2011)

The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 Lewisham Spatial Strategy

Spatial Policy 3 District Hubs

Spatial Policy 4 Local Hubs

Spatial Policy 5 Areas of Stability and Managed Change

Core Strategy Policy 1 Housing provision, mix and affordability

Core Strategy Policy 6 Retail hierarchy and location of retail development

Core Strategy Policy 7 Climate change and adapting to the effects

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 10 Managing and reducing flood risk

Core Strategy Policy 13 Addressing Lewisham's waste management requirements

Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham

Development Management Local Plan (November 2014)

The following policies are considered to be relevant to this application:

DM Policy 1 Presumption in favour of sustainable development

DM Policy 2 Prevention of loss of existing housing

DM Policy 11 Other employment locations

DM Policy 16	Local shopping parades and corner shops
DM Policy 22	Sustainable design and construction
DM Policy 24	Biodiversity, living roofs and artificial playing pitches
DM Policy 30	Urban design and local character
DM Policy 32	Housing design, layout and space standards
DM Policy 33	Development on infill sites, backland sites, back gardens and amenity areas

Residential Standards Supplementary Planning Document (2006, updated 2012)

This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

Shopfront Design Guide Supplementary Planning Document (March 2006)

This document seeks to promote good design in order to enhance the character and appearance of the borough as a whole. The guide advises on the use of sensitive design and careful attention to detail and that whilst shopfront design encompasses a wide variety of styles and details there are certain basic rules that apply everywhere.

7.0 Planning Considerations

The main issues to be considered in respect of this application are:

- Principle of Development
- Design
- Standard of Accommodation
- Commercial units
- Transport Impact
- Impact on Adjoining Properties
- Sustainability and Energy

Principle of Development

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.

Policy 3.3 Increasing Housing Supply of the London Plan (2016) establishes a housing target for the Borough of 13,847 additional dwellings of the plan period 2015-2025. A target revision in the draft London Plan increases this number to 21,170 additional dwellings within the plan period 2019-2029.

The policy requires such additional homes to be in accordance with other policy objectives within the London Plan such as Policy 3.5 Quality and design of housing developments. The Core Strategy outlines how the Council proposes to meet and exceed these targets, with the majority reached through strategic site allocations within major town centres. However, it is noted that smaller infill sites would also add to the Council's housing objectives.

The NPPF states that preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

- 7.6 The architectural nature of the parade has changed significantly in recent years. The application site is comprised of a projecting frontage at ground floor, with the first floor set-back 3 metres. Other properties share this appearance, however the two properties adjoining the site have been extended to be two or three storey at the back edge of the pavement. Nos 245-249 Dartmouth Road at the corner of the parade and 251 Kirkdale were granted permission in the mid-2000s to be extended at the upper levels, both providing self-contained flats. The permissions have been implemented.
- 7.7 Whilst the character and appearance of the existing buildings are acknowledged, it is considered that their influence within the streetscene have been diminished as a consequence of the adjoining properties having been rebuilt to a significantly greater height. Moreover, the existing properties have not merited statutory or local listing and are not considered undesignated heritage assets. As such, there is no objection to their removal.
- 7.8 The proposal aims to replace the existing ground floor retail units, albeit extended and with an amended internal layout. Existing commercial floor space at number 109 is on the ground and first floor and amounts to 118.4sqm. The existing commercial floor space at 111 is on the ground floor and totals 41.83sqm. The proposed ground floor commercial space at No.109 is 94.56sqm and 72.68sqm at No.111. The combined commercial floor area proposed is 167.24sqm which is an increase of 7sqm on the existing space. The new residential entrance would be located in the middle of the building frontage. The existing single bedroom, residential unit on the rear ground and first floor with a gross internal floor area of 63sqm, would be demolished. In replacement, the proposed extended building would provide one, two-bedroom unit and three, one-bedroom units.
- 7.9 The proposed development would result in a net increase of three residential units. Therefore, the proposal would add to the provision of housing and hence is acceptable in principle. Given the scale of the proposal and the constraints inherent in creating residential units above retail units, it is considered that the proposed mix is acceptable.
- 7.10 Given the presence of two existing retail units at ground floor level and the site's position within a local parade, the re-provision of two A1 retail units is considered appropriate and acceptable in principle.

- 7.11 In summary, the proposed development is considered to be acceptable in principle with regard to land use.
- 7.12 The remaining planning considerations are assessed against the relevant policies below.

8.0 Design

- 8.1 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. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.
- 8.2 Core Strategy Policy 15 outlines how the Council will apply national and local policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable and optimises the potential of sites and is sensitive to the local context and responds to local character.
- 8.3 DM Policy 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.
- 8.4 The site is located within a local shopping parade and subsequently is defined by mixed-use buildings incorporating ground floor commercial and upper floor residential, sometimes ancillary to the ground floor business.

Scale, Height and Massing

- 8.5 The application proposes a building of five storeys in height. Due to the topography of the site, the lower ground floor of the building would only be visible at the rear of the site; whilst the basement level would not be visible. On the Kirkdale frontage, the building would appear as three storeys, whilst to the rear it would be viewed as four storeys.
- 8.6 The adjacent property No.113-117 is three storeys high; Denman Court a large block of flats opposite the site is four storeys high and a new development under construction at No.125-131 will be three/four storeys high when complete. As such, the proposed development is considered to be of an appropriate scale relative to the existing street scene.
- 8.7 The application proposes plot coverage at lower ground and basement levels to almost the full depth of the site. The depth of the ground floor level has been reduced on the rear elevation when compared to the previous application and would now be set back 8.3m from the rear site boundary. The rear elevation would have a terraced effect with each floor being set back further than its succeeding lower level. No rear boundary treatment is proposed given the shallow depth of the resultant yard and the nature of proposed interactions; i.e. servicing, cycle storage and bin storage.
- 8.8 The overall design of the development is reflective of recent development in the immediate vicinity and in keeping with more modern examples. It is considered to

adhere to Core Strategy Policy 15 and DM Policy 30. Furthermore, It is officer's opinion that the development would not have a negative impact on the significance of the Halifax Street Conservation Area and would adhere to paragraph B.(c). of DM Policy 36. Which states that planning permission will not be granted where development adjacent to a conservation area would have a negative impact on the significance of that area.

Green Roofs

- 8.9 Green roof systems have environmental benefits such as energy conservation, flood alleviation and ameliorating the effects of climate change as well as providing natural habitat. Core Strategy Objective 7, requires the incorporation of green roofs on new development where appropriate. The Lewisham Biodiversity Partnership's objectives include promoting the installation of high quality living roofs that deliver the maximum benefit for nature conservation on all appropriate new developments.
- 8.10 The existing rear outdoor amenity area is small, of poor quality and does not include green space. Whilst not an amenity area, the applicant proposes green roofs for the lower two flat roofs which would introduce an ecological and biodiverse feature to the site. The incorporation of two green roofs is considered acceptable and details are proposed to be secured by condition.

9.0 Standard of Accommodation

- 9.1 London Plan Policy 3.5 states that local frameworks and planning decisions should incorporate requirements for accessibility and adaptability, minimum space standards and water efficiency. The Mayor will, and boroughs should, seek to ensure that new development reflects these standards. The design of all new dwellings should also take account of factors relating to 'arrival' at the building and the 'home as a place of retreat'. New homes should have adequately sized rooms and convenient and efficient room layouts which are functional and fit for purpose, meet the changing needs of Londoners over their lifetimes, address climate change adaptation and mitigation and social inclusion objectives and should be conceived and developed through an effective design process.
- 9.2 In line with this, the Council has adopted DM Policy 32, which states that the standards in the London Plan Housing SPG will be used to assess whether new housing development provides an appropriate level of residential quality and amenity.
- 9.3 Since the adoption of DM Policy 32, the National Technical Housing Standards were published in 2015. London Plan policies and the London Plan Housing SPG are now generally in compliance with the national standards and are also considered in the assessment of standard of accommodation.
- 9.4 The housing standards state that new 1b2p units should be provided with 50 sqm of internal floor area and 1.5 sqm of utility space, while new 2b3p units should be provided with 61 sqm and 2 sqm of utility space. Double and twin bedrooms should be a minimum 11.5 sqm and single bedrooms should be 7.5 sqm. Whilst the National Technical Housing Standards require a minimum 2.3m internal floor to ceiling height, the London Plan requires a minimum internal height of 2.5m for new development within London. DM Policy 32 conforms to the London Plan standard.

- 9.5 Finally, DM Policy 32 states new build development will be required to be provided with a readily accessible, secure, private and usable external space. The Housing SPG standard 26 and 27 indicates that this should be 5sqm for 1-2 person dwellings, with an extra 1 sqm per additional occupant, as well as a minimum 1.5m width for balconies.

Internal and External Floor Area

- 9.6 Officers have calculated the internal and external floor area of each individual unit proposed and presented the information in Table 1.1 above.
- 9.7 The proposed development complies with the overall gross internal floor areas, individual room sizes and floor to ceiling heights in line with the technical housing standards, London Plan and DM32. All residential units are dual aspect, have an acceptable layout and access to adequate sun/day light and would achieve sufficient outlook and ventilation. Private external amenity space is being proposed in the form of a rear balcony to each unit. However, the 4.3sqm of private outdoor amenity space for unit 1.02 and 2.02 falls short of the minimum requirement by 0.7sqm. The London Housing SPG allows that, in exceptional cases, where external amenity space cannot meet the standard, equivalent floor space can be added internally to compensate. As the internal spaces exceed minimum requirements, the two balconies are considered acceptable in this case.
- 9.8 All habitable rooms would be afforded sufficient outlook. The kitchen/dining/living areas would be situated to the front of the building and have a south/west aspect. Consequently, the rooms would receive a sufficient good level of sun/daylight.

Core Strategy Policy 1 expects 10% of all housing to be wheelchair accessible. Wheelchair accessible flats have not been proposed in this instance due to the low number of residential units being proposed.

- 9.9 Overall, the standard of accommodation would be in line with current planning policy and be considered acceptable.

10.0 Commercial Units

- 10.1 Redevelopment of a site on a commercial street frontage will be supported when the site is redeveloped to a high standard of environmental and design quality; where business use is retained on the ground floor and residential development is provided on the upper floors.
- 10.2 Mixed use on this site is established. The two retail units proposed consist of Unit C1 which has a gross internal floor area of 203.34sqm. Unit C2 has a gross internal floor area of 158.35sqm. Floor to ceiling heights in both units would be 2.7m. To the rear of each unit an office space is proposed. The application does not include fit out details of the retail units. However, a condition regarding the level of fit out is recommended, in order to ensure that the units are attractive to a wide range of potential occupiers.
- 10.3 The size and layout of the commercial units is considered appropriate and viable for retail sector use, and is considered to adhere to Core Strategy Policy 5 and DM Policy 11.

11.0 Highways and Traffic Issues

Servicing and refuse

- 11.1 Servicing and deliveries to the retail units would be to the rear of the building at lower ground floor level. Internal lifts would facilitate transportation of goods to both the ground and basement levels. Due to the large storage capacity proposed, the number of expected deliveries would be lower when compared with similar retail units that do not have such storage facilities. The scheme proposes a residential and commercial refuse and recycling area to the rear at lower ground floor level. The bins would be stored in a dry and secure area close to the rear boundary of the development. This follows advice from dialogue with the Council's refuse team who deal with refuse collection from adjoining properties via the rear access way, which is in the Council's ownership. On this basis, the scheme is considered to be acceptable with regard to servicing and refuse.

Cycle Parking

- 11.2 The proposed development includes 5 dry and secure cycle parking spaces for occupiers of the residential units and 3 long stay and 5 short stay cycle spaces for the commercial units, in accordance with London Plan Policy 6.9. A shower room facility is provided for the staff of the commercial units, adjacent to the cycle storage room.

Car Parking

- 11.3 The Council, in line with the London Plan and NPPF policies, takes a restrictive approach to private parking provisions in order to promote sustainable modes of transport. Parking should comply with the standards of the London Plan, as shown in Table 6.2 of the Parking Addendum to Chapter 6.
- 11.4 The application site has a PTAL rating of 4 and the proposed development would give rise to 4 residential units. No off-street parking on the site is proposed.
- 11.5 The subject site is located in an area with a good level of accessibility to the public transport network and within walking distance to a wide range of services and facilities. This means that future occupiers can access the development by public transport for many of their journeys. The surrounding area is not subject to permit parking controls and therefore the Council is unable to control parking, however, on street parking is available. The carriageway directly outside the development has zig-zag lines denoting a zebra crossing beyond and as such, parking in this area is prohibited. There is a bus stop opposite on the other side of the road. The adjoining areas of road have a mix of waiting restrictions (yellow lines).
- 11.6 Officers consider that the development, with regard to being car free, is acceptable.
- 11.7 In light of the above, officers raise no objections to the scheme on highways grounds.

12.0 Impact on Adjoining Properties

- 12.1 DM Policy 32 states that new residential development should be neighbourly and not result in adverse impacts on the amenities of nearby properties.

12.2 The surrounding area includes residential dwellings above ground floor commercial units and this proposal would follow this pattern. Whilst the proposed development would see an increase in the scale of development on site, the terracing of the property at the rear, would sufficiently mitigate the development appearing overbearing to neighbouring properties. The rear building lines at first and second floors would be the same as those of No.107. Amendments to this proposal include the second floor north/western flank wall being appropriately set in from the shared boundary; thus maintaining existing levels of daylight to the neighbouring second floor window. The current application has also amended the position of the rear balconies, which would sufficiently mitigate against potential loss of day/sunlight or sense of enclosure to other rear neighbouring rooms. Furthermore, it is considered that the position of windows and balconies would not increase overlooking to neighbouring properties.

12.3 The adjacent building at No.107 has no outside amenity space, the site is completely covered with a two storey development to the rear of the site. The large flat roof being inaccessible and unused. Existing development at number 113-117 is in the form of a large tiered block. The development occupies the larger part of the site with a small yard behind. Both adjacent sites have no rear garden areas. Due to the nature of the urban forms of development either side of the subject site, there would be no issues regarding overlooking into neighbouring rear gardens. Subsequently, the proposed development is not considered to adversely affect the amenities of neighbouring properties.

13.0 Sustainability and Energy

13.1 In terms of new build residential housing, Code for Sustainable Homes has now been absorbed into Building Regulations and therefore is removed as a planning matter. All non-residential development, i.e. the commercial space, will be required to achieve a BREEAM standard of excellent. If the application is otherwise acceptable, this can be added as a condition.

14.0 Local Finance Considerations

14.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

14.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.

14.3 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

15.0 Equalities Considerations

- 15.1 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.
- 15.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
 - (c) foster good relations between people who share a protected characteristic and persons who do not share it.
- 15.3 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.
- 15.4 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>
- 15.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 15.6 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>

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

16.0 Human Rights Implications

- 16.1 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:-

- Respect for your private and family life, home and correspondence
- Freedom of thought, belief and religion
- Freedom of expression
- Freedom of assembly and association

- 16.2 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.

- 16.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 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.

- 16.4 This application has the legitimate aim of providing a new building with [employment and residential uses]. The rights potentially engaged by this application, are not considered to be unlawfully interfered with by this proposal.

17.0 CONCLUSION

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

- 17.2 The proposed development would provide two appropriately sized commercial units on the ground floor, storage on the lower ground and basement floors. The standard of residential accommodation would be acceptable, in accordance with policies, with each unit having private amenity space. Officers consider the development to be acceptable in its design and scale, and an appropriate addition to the Kirkdale frontage. It would not adversely impact upon the adjacent Halifax Conservation Area or result in any significant visual harm on neighbouring occupiers.

- 17.3 For these reasons, it is recommended permission is granted.

18.0 **RECOMMENDATION GRANT PERMISSION** subject to the following conditions:-

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

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

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

KIRLO-E001; KIRLO-L001; KIRLO-P001; KIRLO-P002; KIRLO-P003; KIRLO-S001; Planning, Design & Access Statement (Received 5th March 2018)

KIRLO-MS101; KIRLO-E101 Rev.B; KIRLO-L101 Rev.B; KIRLO-P100 Rev.A; KIRLO-P101 Rev.B; KIRLO-P102 Rev.B; KIRLO-P103 Rev.A; KIRLO-P104 Rev.B; KIRLO-S101 Rev.B (Received 25th November 2018) KIRLO-P105 Rev.C (Received 5th February 2019)

Reason: as required by Section 91 of the Town and Country Planning Act 1990.

3. No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-

(a) Dust mitigation measures.

(b) The location and operation of plant and wheel washing facilities

(c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process

(d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-

(i) Rationalise travel and traffic routes to and from the site.

(ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.

(iii) Measures to deal with safe pedestrian movement.

(e) Security Management (to minimise risks to unauthorised personnel).

(f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

4. No development beyond piling shall commence on site until a detailed schedule and specification/samples of all external materials and finishes to be used on the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

5 (a) No development shall commence beyond ground level until plans (1:50 scale) with details showing the physical fit out of the two retail units, including but not limited to floor finish, ceilings, ventilation, sanitary ware and entrances for the commercial units hereby approved have been submitted to and approved in writing by the local planning authority.

(b) The development shall be constructed in full accordance with the approved details, before first occupation and maintained for the life of the development unless with the written approval of the local planning authority.

Reason: To ensure that the fit-out of the units is sufficient to ensure that they are an attractive and commercially viable option and to demonstrate the developers commitment to delivering the commercial units as part of this development in accordance with Core Strategy Policy 3 Strategic Industrial Locations and Local Employment Locations/Core Strategy Policy 4 Mixed Use Employment Locations/Core Strategy Policy 5 Other employment locations (June 2011) and Development Management Local Plan (November 2014) DM Policy 9 Mixed Use Employment Locations/ DM Policy 10 Local Employment Locations/ DM Policy 11 Other Employment Locations

6(a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.

(b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.

(c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

Reason: In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

7. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on the front elevations or the roof of the building.

Reason: In order that the local planning authority may be satisfied with the details of the proposal and to accord with 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 (November 2014).

8. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes, shall be fixed on the front elevation of the building.

Reason: In order that the local planning authority may be satisfied with the details of the proposal and to accord with 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 (November 2014).

9. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofs on the building hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roofs shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

10. No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

11. No deliveries shall be taken at or despatched from the site other than between the hours of 7 am and 8 pm on Mondays to Fridays, 8 am and 1 pm on Saturdays, or at any time on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining residents and to comply with Paragraph 120 of the National Planning Policy Framework, and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

12. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the basement and lower ground floors of the premises shall be used for storage and for no other purpose (including any other purpose in Class B of the Schedule to the Town and

Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order). They shall not be used for residential use and no trade shall be carried out therefrom.

Reason: The application has been assessed in terms of restricted storage B8 use only, at basement and lower ground floor levels and any other use may have an adverse effect on the character and amenity of the area and amenity for future occupiers contrary to Policy 3.5 in the London Plan (2015), Policy 1 Housing provision, mix and affordability, Policy 14 Sustainable movement and transport and Policy 15 High quality design for Lewisham of the Core Strategy (2011) and DM Policy 30 Urban design and local character, DM Policy 32 Housing design, layout and space standards and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity Development Management Local Plan (2014).

13. (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan nos. KIRLO-P105 Rev.C hereby approved and maintained thereafter.

(b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

(c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2015), Policy 10 managing and reducing flood risk of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

INFORMATIVES

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

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Committee	PLANNING COMMITTEE B	
Report Title	93 Effingham Road, London, SE12	
Ward	Lee Green	
Contributors	Alfie Williams	
Class	PART 1	28 th February 2019

<u>Reg. Nos.</u>	DC/18/107822
<u>Application dated</u>	26.06.2018 revised 5.2.2018
<u>Applicant</u>	Mr & Mrs Camp
<u>Proposal</u>	The construction of two dormer windows with a mansard link on the rear roof slope at 93 Effingham Road, SE12, together with the insertion of two rooflights in the front roof slope and the replacement of the roof tiles with natural slate.
<u>Plan Numbers</u>	3381/A1/01; 3381/A4/01; Design and Access Statement received 27 June 2018; 3381/A1/02 Rev D received 5 February 2019;
<u>Background Papers</u>	(1) Case File LE/447/90 (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) The London Plan (March 2016)
<u>Designation</u>	Lee Manor Conservation Area Lee Manor Conservation Area Article 4 Direction Lee Neighbourhood Forum Flood Risk Zone 2 PTAL 2

1.0 Summary

- 1.1 This report sets out officer's recommendation in regard to the construction of two dormer windows with a mansard link in the rear roof slope, together with the installation of two rooflights in the front roof slope and the replacement of the roof tiles with natural slate at the above property.
- 1.2 The report has been brought before members for a decision as officers recommend approval subject to conditions and there has been one or more objection from a recognised amenity group within their area.

2.0 Property/Site Description

- 2.1 The application site is a two-storey, mid-terrace Victorian dwelling house situated on the southern side of Effingham Road. The surrounding area is predominantly residential and is characterised by similar Victorian terraces. The property is constructed from yellow stock bricks with a tiled roof covering and has timber sash windows. The property retains much of the ornate stucco detailing and remains an attractive building.
- 2.2 To the rear, the dwelling includes an original two-storey outrigger. The side return of the projection is on the property's western side, which has been infilled at ground floor level. Neighbouring properties have similar layouts.
- 2.3 The property is located in the Lee Manor Conservation Area and is subject to an Article 4 Direction removing permitted development rights where development would be visible from a public place. The site is also within Flood Risk Zone 2.

3.0 Planning History

Application property

- 3.1 On 8th June 2018, planning permission was refused for the construction of two dormer windows with a mansard link on the rear roof slope at 93 Effingham Road, SE12, together with the insertion of two rooflights to the front roof slope and the replacement of the roof tiles with natural slates. Planning permission was refused for the following reason:
- 3.2 *The proposed rear roof extension by reason of its mass, scale and design, would constitute a visually intrusive and unsympathetic form of development, harmful to the character and appearance of the host building and the wider Lee Manor Conservation Area, contrary to 7.8 Heritage Asset of the London Plan (2016), Policy 15 High quality design for Lewisham of the adopted Core Strategy (2011), DM Policy 30 Urban design and local character, DM Policy 31 Alterations/extensions to existing buildings and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014), Residential Development Standards SPD (updated May 2012).*

Surrounding area

- 3.3 On 11th November 2005, planning permission was granted (reference DC/05/60493) for the construction of a roof extension to the rear roof slope of 95 Effingham Road SE12, together with the installation of a rooflight in the front roof slope in connection with the conversion of the loft space to provide additional living accommodation.
- 3.4 On 30th January 2017, planning permission was granted (reference DC/16/99357) at Planning Committee for the construction of a single-storey rear extension and dormer extensions to the rear roof slope at 56 Effingham Road SE12, together with the installation of roof lights in the front roof slope, replacement roof covering, remedial works to the chimney stack.
- 3.5 On 25th May 2018, planning permission was granted (reference DC/18/106369) for the construction of two dormer windows with a mansard link on the rear

roofslope of 54 Effingham Road SE12 together with the installation of two rooflights on the front roofslope.

3.6 On 25 January 2019, planning permission was granted at planning committee (reference DC/18/107396) for the construction of 2 dormer windows with a mansard link in the rear roof slope at 90 Effingham Road SE12, together with the installation of 2 roof lights in the front roof slope and the replacement of the roof tiles with natural slate.

3.7 The roof extensions approved at No's 54, 56 and 90 proposed two single dormer windows with lead cheeks connected by a slate mansard link and are considered a similar design to the application at no.93.

4.0 Current Planning Applications

4.1 The construction of a roof extension comprised of two dormer windows with a slate clad mansard link. Each dormer would have lead cheeks and would house a timber sliding sash window. Overall, the extension would measure 4.2m wide by 2.5m deep by 2m high. The dormers would individually measure 1.1m wide. The extension would be set up from the eaves by 1m, set in from both party walls by 0.5m and set down from the ridge by 0.3m. The base of the mansard link would be set back from the face of the dormers by 0.45m.

4.2 The proposed development also includes the installation of two conservation style rooflights in the front roof slope and a replacement slate roof covering to the front and rear roof slopes.

5.0 Consultation

5.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

5.2 A site notice was displayed and letters were sent to residents in the surrounding area and to the relevant ward Councillors. The Lee Manor Society were also consulted.

Written Responses received from Local Residents and Organisations

5.3 The Council received one representation in response to the consultation from the Lee Manor Society. The Lee Manor Society objected to the proposed development due to concerns relating to the design of the extension. The Society consider that the mansard link between the dormers is insufficiently set back and contrary guidance within the '*Alterations and Extensions*' SPD, relating to roof extensions.

6.0 Policy Context

Introduction

6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

6.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework (NPPF) 2018

6.3 The NPPF, originally published in 2012, was revised on 24th July 2018 and is a material consideration in the determination of planning and related applications.

6.4 It contains at paragraph 11, a 'presumption in favour of sustainable development'. Annex 1 of the revised NPPF provides guidance on its implementation. In summary, this states in paragraph 213, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the revised NPPF and in regard to existing local policies, that '...due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

6.5 Officers have reviewed the Core Strategy and Development Management Local Plan for consistency with the revised NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 213 of the revised NPPF.

National Planning Practice Guidance 'NPPG' (2014 onwards)

6.6 On 6th March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents, and is subject to continuous periodical updates in difference subject areas

The Development Plan

6.7 The London Plan, Lewisham's Core Strategy, together with the Site Allocations DPD, the Lewisham Town Centre Local Plan and the Development Management Local Plan and together constitute the borough's Development Plan.

London Plan (March 2016)

6.8 The The Mayor of London published a draft London Plan on 29 November 2017. Minor modifications before the EIP were published on 13 August. As such, this document now has some limited weight as a material consideration when determining planning applications. The relevant draft policies are listed below and

discussed within the report. These are limited to policies that are materially different to existing London Plan policies.

The policies in the current adopted London Plan (2016) relevant to this application are:

- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology

The emerging London Plan policies relevant to this application are:

- D1 London's form and characteristics
- HC1 Heritage conservation and growth

6.9 Core Strategy (June 2011)

6.10 The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

- Spatial Policy 5; Areas of Stability and Managed Change;
- Core Strategy Policy 15; High quality design for Lewisham
- Core Strategy Policy 16; Conservation areas, heritage assets and the historic environment

Development Management Local Plan (November 2014)

6.11 The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

6.12 The following policies are considered to be relevant to this application:

- DM Policy 1: Presumption in favour of sustainable development;
- DM Policy 30: Urban design and local character;
- DM Policy 31: Alterations/extensions to existing buildings;
- DM Policy 36: New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens;

Residential Standards Supplementary Planning Document (2006, updated 2012)

6.13 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

Alterations and Extensions SPD

6.14 The '*Alterations and Extensions*' SPD is an emerging document that has not been officially adopted. The public consultation for the document ended in September

2018. As such, this document now has limited weight as a material consideration when determining planning applications.

7.0 Planning Considerations

7.1 The main issues to be considered in respect of this application are:

- Design/Conservation
- Impact on Adjoining Properties

Design/Conservation

7.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that (in summary) with respect to any buildings or other land in a conservation area, the Council is required to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

7.3 Chapter 16 of the revised NPPF relates to conserving and enhancing the historic environment. The principles and policies set out in Chapter 16 apply to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making, decision-taking and design.

7.4 DM Policy 36 requires all extensions to be compatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.

7.5 Paragraph 6.7 of the '*Residential Standards*' SPD states that when considering applications for roof extensions they should be sensitively designed to retain the architectural integrity of the building. The '*Residential Standards*' SPD also establishes a number of guidelines including that rear roof extensions should be set back a minimum of one metre behind the lines of eaves and a minimum of 500mm from the gable, flank or party wall boundary.

7.6 The '*Alterations and Extensions*' states that dormers with mansard links should read as two separate elements.

7.7 The massing of the proposed roof extension has been reduced compared to the application refused in 2018 by virtue of an increased set in from the party walls and set up from the eaves. The proposed roof extension would therefore sit comfortably within the roof slope complying with the guidelines established by the '*Residential Standards*' SPD, and as such is considered to be subservient to the host property.

7.8 DM Policy 30 states that the materials used should be high quality and either match or complement existing development. The extension would feature lead dormers, timber sash windows and a slate mansard, which are historically appropriate materials for a Victorian property.

7.9 Officers note the concerns raised regarding the set back of the mansard link. However, officers considered that the 0.45m set back from the face of the dormers and angle of the link would provide visual separation between the dormers when

viewed from the rear, in accordance with the guidance stated in Figure 5.14 of the *'Alterations and Extensions'* SPD. The proposed set back of mansard link is also consistent with a similar dormer extension approved at committee in January 2019 at 90 Effingham Road. It should also be noted that the *'Alterations and Extensions'* SPD is an emerging document that has not been officially adopted and as such carries limited weight.

- 7.10 As documented in paragraphs 3.3 to 3.6 of this report, Effingham Road features a number of examples of similarly designed and proportioned roof extensions, which are considered to establish a character for roof alterations on the Road. The proposed roof extension is in keeping with the proportions and materials of this established character.
- 7.11 The *'Residential Standards'* SPD guidance on rooflights states that rooflights should be fitted flush with the slate or tiles of the roof. The proposed rooflights would be conservation style rooflights fitted in accordance with this guidance. The two front rooflights are appropriately located above the front bay. They are not quite in the middle third of the roof slope but their location is based on internal functionality and they do not appear uncomfortably situated. Rooflights are an established part of the character of the surrounding roofscape and within that context are not considered to cause harm to the appearance of the Lee Manor Conservation Area.
- 7.12 The proposal to replace the roof covering with natural Spanish slate would restore the original roofing material to the property and as such is considered an enhancement to the appearance of the property.
- 7.13 The proposed development is considered to accord with the principles of DM Policies 30 and 36 by virtue of the combination of historically appropriate materials and proportionate scale.

Impact on Adjoining Properties

- 7.14 DM Policy 31 states that residential development should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 7.15 The proposed dormers would be unlikely to result in additional overlooking to surrounding properties given that there is existing overlooking from the windows on lower floors. Outlook from the rooflights would be to the sky and as such is not objectionable. Therefore, it is considered that the proposal would not result in a perceptible loss of privacy to neighbouring properties.
- 7.16 The extension is not considered to overshadow or cause the loss of sunlight to adjoining properties given its size and siting within the rear roofslope. Overall, the impact on the amenity of neighbouring properties is considered acceptable in compliance with DM Policy 31.

8.0 Local Finance Considerations

- 8.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

8.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.

8.3 The Mayor of London's CIL is therefore a material consideration. CIL is not payable on this application and the applicant has completed the relevant form.

9.0 Equalities Considerations

9.1 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.

9.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- b) advance equality of opportunity between people who share a protected characteristic and those who do not;
- c) foster good relations between people who share a protected characteristic and persons who do not share it.

9.3 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.

9.4 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>

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

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making

3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

- 9.6 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>
- 9.7 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

10.0 Human Rights Implications

- 10.1 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:
- Right to a fair trial
 - Respect for your private and family life, home and correspondence
 - Peaceful enjoyment of one's property
- 10.2 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.
- 10.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 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.

11.0 CONCLUSION

- 11.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 11.2 Officers consider that and the scheme would have an acceptable impact on the roofscape, preserving the special character of the Lee Manor Conservation Area in accordance with DM Policies 30 and 36. In addition, the proposal would not be

detrimental to residential amenity in accordance with DM Policy 31 and therefore the scheme is considered acceptable.

12.0 RECOMMENDATION

GRANT PERMISSION subject to the following conditions:-

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

Reason: The works for which conservation area consent is hereby granted must be begun not later than the expiration of three years beginning with the date of this consent in accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As Amended).

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

3381/A1/01; 3381/A1/02; 3381/A4/01;

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

3. (a) The replacement roof covering shall be constructed in those materials as submitted namely; natural Spanish slate and in full accordance with drawing 3381/A1/02.

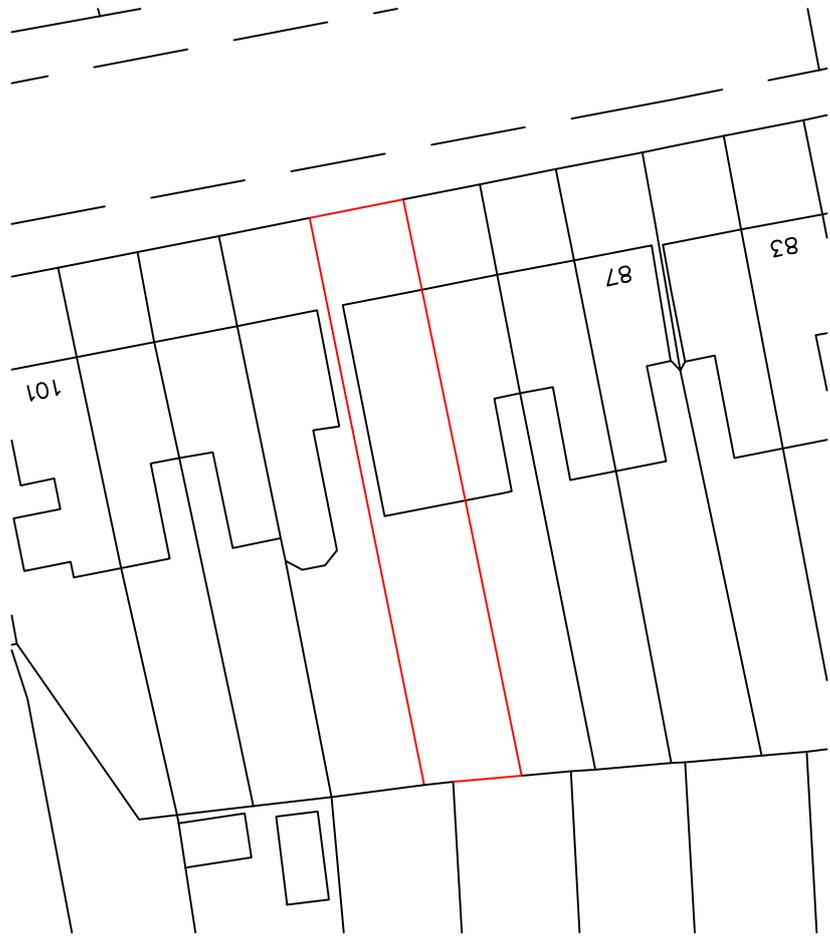
(b) The scheme shall be carried out in full accordance with those details, as approved.

Reason: To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing and to comply with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011), DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the development Management Local Plan (November 2014) and the Residential Standards Supplementary Planning Document (2012).

INFORMATIVES

- (1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.

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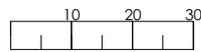
Block plan
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Block plan
Scale 1:1250



1:1250

Property
93 Effingham

Drawing Title
Block plans

Scale
Indicated @ A4

Drawing No.
3381/A4/01

Date
Mar 2018

Drawn
S Geoghegan

Revision No.
-

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