

Our Lady and St. Philip Neri RC Primary School
208 Sydenham Road, SE26 5SE

Application Ref: DC/19/111793

*Application submitted under Section 73 of the Town and Country Planning Act 1990
to allow for the variation of Conditions 2 and 8 in connection with planning
permission dated 7th October 2016 (DC/16/096041)*

Enforcement Case: ENF/18/00139

*Development not in accordance with approved plans (DC/16/096041) in regards to
cladding, height increase and installation windows*



Historic Ariel Images – LSH – OLSPN School Site Context. RHS – School Building Under Construction

Site History

October 2016: Planning Permission Granted

- Three storey school building approved, including nursery
- Amalgamation of Infant & Junior schools to allow land release
- 2016 permission amended following committee

March 2018: Materials Variation Application

- Proposed composite cladding to board cladding
- Proposed changes to colour of brick
- Application Refused

Site History

April 2018: Planning Enforcement Investigation

- Refused cladding already installed
- Unauthorised windows inserted
- School Build proceeding w/o pre-commencement condition discharges

Late 2018/Early 2019: Pre-application engagement

- Planning Agent instructed
- Developer-led local meeting (January 2019)
- Legal advice received – ‘Section 73’ (variation application)

List of Non-Compliances – Appendix 2 in Agenda Package





Site Images (case officer – June 2019) LHS – Sydenham Road elevation / RHS – Fairlawn Park elevation



Site Images (case officer – Mid 2018) Fairlawn Park elevation

Section 73 – Application Proposals

Key Planning Issues

- Appearance and Materials
- Noise
- Neighbour Amenity

Other issues (including conditions out-of-compliance) outside scope of s73 application

Section 73 –Application Proposals

Materials, Cladding and Windows

- Some 'out-of-compliance' elements to be retained
 - Building Heights
 - Windows
 - UKPN Cabinets
 - Various lights, ventilation grills and brickwork
- Proposed 'insertions' to improve visual quality
 - Application of 'Weatherby' render to existing cladding
 - Installation of window reveals and colour to white UPVC Frames
 - Hall Building - Metal fins proposed in place of approved wood cladding



2016 – Design and Access Statement



2019 – S73 Application Proposal

2016 – Design and Access Statement



2019 – S73 Application Proposal



2 Fairlawn Park Elevation
1 : 100



2016 – Design and Access Statement



2019 – S73 Application Proposal



2016 – Design and
Access Statement



2019 – S73 Application
Proposal

Section 73 Proposal

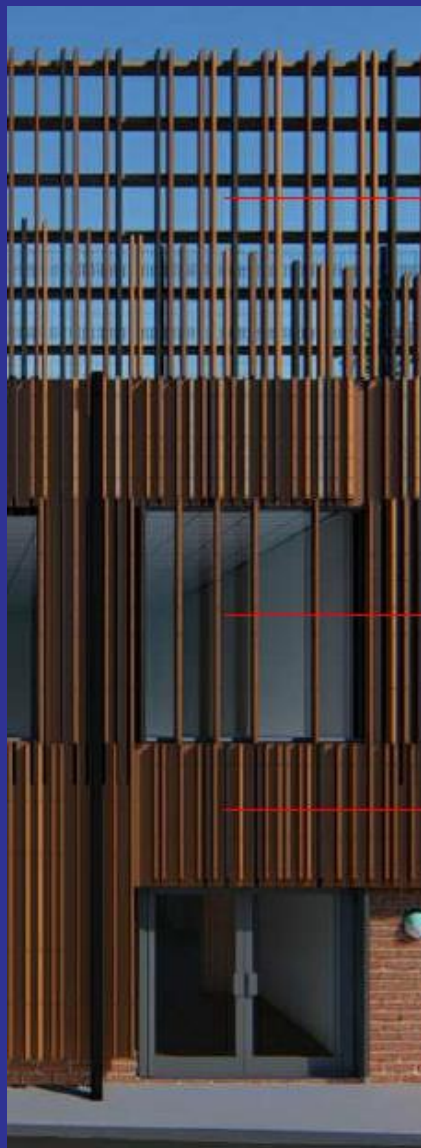
Officer Assessment – Materials

Some 'Retained' Elements **Acceptable**

- Heights judged acceptable – principle of 3 storey building approved
- UKPN power cabinet – Permitted Development rights available
- Flat roof not visible from the public realm

Other 'Retained' Elements **Unacceptable**

- Window glazing bars, various lighting, vents, grills, rain goods and other elements detract from visual appearance of building



S73 Indicative Image LHS – Proposed Metal Fins – Hall Building / RHS – Proposed Wetherby Silicone Render

Section 73 Proposal

Key Issues – Materials

'Proposed' Elements– Unacceptable

- Application of silicone render to existing cladding
- Installation of window reveals and colour to white UPVC Frames
- Materials not suitable for prominent civic building

'Proposed' Element – Acceptable

- Hall Building – Installation Metal fins (improved fire safety position)
- ✓ Acceptable s73 'proposed' elements included in draft Enforcement Notice
- ✓ **Reason 1 for Refusal** - Paragraph 171 – Committee Report

Section 73 – Proposal

Key Issues – Noise

Approved 'Acoustic Implications' design document (DC/16/096041)

- Openable windows **not permissible** on the Sydenham Road elevation and side facades with a line of site to the road.
- Openable windows may give rise to **noise internally of 63dB(A)**
- In excess of guidance standards – potential impacts to educational environment
- Retention of openable windows **not supported**
- **Reason 2 for Refusal** – Paragraph 171 of Committee Report



Section 73 – Officer Recommendation

Key Issues – Amenity Issues

- Limited Amenity Impacts from proposed materials alterations
- No change to overlooking from window alterations
- Construction related impact are controlled by condition (previous consent) and **do not fall to be considered** by current scheme
- Alterations to rooftop play area **acceptable** in amenity terms
- **Conclusion:** Amenity impacts to adjoining occupiers **acceptable**

Enforcement Action – Officer Recommendation

Key Issues

- Recommendation to refuse permission - follow up position to **enforce to conclude** enforcement case
- **Protracted** timelines to resolve non-compliance
- Formal **Enforcement Action** judged **expedient**
- Lines of communication to remain **open** with Archdiocese
- No immediate impacts to **day-to-day** operations the school

Draft Enforcement Notice

- Draft Enforcement Notice - Two Options – Appendix 1
 - Option A Build Out 2016 Permission
 - Option B Insert Windows and Cladding to accord with 2016 position
- Delegated decision for officers following legal advice
- Interested Parties can lodge an **appeal** of enforcement notice
- Notice timescales reasonable - compliance can be extended by the Council if needed
- Other conditions to be monitored by officers

Recommendations

1. **Refuse** planning permission for application DC/19/111793
 - Reason 1 - Materials Quality
 - Reason 2 - Noise Impacts (window retention)as set out at **Paragraph 171** of the Committee Report
2. **Note** the indicative planning enforcement notice attached at Appendix 1 in the Committee Report
3. **Delegate** the resolution of the planning enforcement investigation ENF/18/00139 to officers to authorise the issue and service of a planning enforcement notice, in broad accordance with the indicative notice n Appendix 1