

PLANNING COMMITTEE A

Date of Meeting: **THURSDAY, 11 MAY 2017 TIME 7.30 PM**

PLACE: **ROOM 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU**

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**Abdeslam Amrani (Chair)
Jacq Paschoud (Vice-Chair)
Andre Bourne
Obajimi Adefiranye
Amanda De Ryk
Stella Jeffrey
Roy Kennedy
Pat Raven
Alan Till
James-J Walsh**

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.

**Barry Quirk
Chief Executive
Lewisham Town Hall
London SE6 4RU
Date: Tuesday, 2 May 2017**

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	PLANNING COMMITTEE (A)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 11 May 2017

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 (A)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 11 MAY 2017

MINUTES

To approve the minutes of the meeting of Planning Committee (A) held on the 30th March 2017.

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (A) held in ROOMS 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU on 30th March 2017 at 19:30.

PRESENT: Councillors Amrani (Chair), Bourne (Vice Chair), De Ryk, Till , J. Paschoud and Walsh

OFFICERS: Max Smith – Planning Service, Paula Young – Legal Services, AThiru Moolan – Building Control, Andrew Rawlingson – Highways and Amanda Ghani – Committee Co-ordinator

APOLOGIES: Councillors Adefiranye, Jeffrey, Kennedy, Raven.

1. DECLARATION OF INTERESTS

Councillor De Ryk absented herself for Item 3 on the agenda so that she could speak under standing orders. Councillor Bonavia spoke under standing orders regarding the same item.

Councillor Hilton is no longer a member of Committee A but spoke under standing orders regarding Item 5 on the agenda.

2. MINUTES

Members approved minutes for 16th February 2017.

3. Sergison Cottage, Goffers Road, SE3 (Item 3 on the agenda)

The site has two planning permissions; one for the construction of a new house (DC/14/89117) and one for the construction of the same house including basement (DC/15/094940) submitted under S.73 as a minor material amendment to DC/14/89117.

The Planning Officer Max Smith outlined details of the 3 proposals for consideration by members; two approval of details and one non-material amendment. The two approval of details applications deal with Condition 3 – Construction Management Plan (CMP) of each permission. The non-material amendment (S.96a) is for a re-wording of Condition 16 of

planning permission DC/15/094940 in order to allow excavation works of the basement during the term time of All Saints School with the exception of a 3m exclusion zone as outlined in the CMP. Condition 3 of planning permission DC/15/094940 (house and basement) also contained a requirement for a structural method statement to be agreed, which had been added by members when approving the original permission. The key issue was the structural stability of the retaining wall during construction works and whether it would be safe to permit excavation works during term time.

The officer stated that whilst it was very unusual to deal with Approval of Details, (AoDs) at committee, this was due to over 40 objections received relating to the possible impact on the primary school adjacent to the site which sits 8m lower than the application site at the bottom of a retaining wall.

The level of public concern was reflected in the high number of members of the public attending committee.

The officer spoke about the CMPs and their review and approval by the Council's Environmental Health. He spoke about mitigation of noise and vibration with regards to the proposed piling and excavation work; highlighting Environmental Health's powers to use S.60 of The Control of Pollution Act 1974 if need be, through the method of piling and the installation of an acoustic barrier. The officer stated that the applicant had made an offer to not carry out any excavation work other than during the school holidays, with the exception of piling works, and to undertake the demolition of the existing building during the May half term. The Structural Method Statement has been reviewed by the Council's Building Control department and found to be acceptable. Works to the retaining wall would also be regulated by Building Control and require an agreement under the Party Wall Act between the applicant and the school before works can commence. Access and deliveries to the site, also included in the CMPs, have been reviewed by the Council's Highways Department and found to be acceptable.

The Committee received verbal representation and a written report from Mr and Mrs Patel (applicants). Mr Patel said that he had worked with the Planning Authority and the proposal reflects the Council's guidance. Before any work is undertaken Party Wall Agreements would need to be obtained. He stated that the foundations of the property are failing and the property has subsidence problems. A basement would alleviate the current weight distribution on the boundary wall and give it long term structural protection. Emergency remedial work was undertaken on the boundary wall 20 years ago; as a consequence All Saints School to the immediate south/east of the site, was relocated. All experts including the schools appointed surveyor agree the basement would be the best option. Mr Patel requested that members approve both CMPs and allow amendment of the condition.

Councillor Walsh stated that members were unable read and absorb Mr Patel's report during proceedings and that any documentation should have been tabled before the meeting began.

Councillor Amrani asked Mr Patel how construction of a basement will help the boundary wall?

Mr Patel explained that the house would sit on the basement foundations rather than add load to the wall as it does now.

The Committee received verbal and written/pictorial representation from Debbie Thompkins (Headmistress of All Saints School) and Dr Adam Baron (a parent) who spoke on behalf of the objectors. Ms Thompkins highlighted the issues concerning the proposals on the school;

due to the differing land levels, the basement would sit above the school and the boundary wall which is approximately 2 stories high on the school side, is built very close to the school building. An egress (for 5 classes of children) with a pinch point width of 1m runs adjacent to this wall. Whilst the objectors appreciated that changes had been made to the CMPs, it was felt that no time has been given for independent surveyors to check these changes. The school children need an uninterrupted and safe education space and because of this the objectors wish the wording of Condition 16 to remain as is. Dr Baron stated that there was an unacceptable element of risk to the children if members approved the recommendations as no building site is 100% risk free. There is nowhere to decant the school whilst work takes place. Whilst he conceded that the end result would mean less weight on the wall, the wall is not failing at present.

Councillor Paschoud asked the planning officer if a full planning history is on the report as it only goes back to 2015, whilst the “wall problem” began in 1996. He explained that the historic wall repair would not have required planning permission and hence would not appear in the report.

Paula Young (Legal) reminded members that the site has planning permission and that this meeting was looking at the discharging of conditions. Structural issues are not planning matters, but is a matter for Building Control. If Members do not make a decision, the applicant has the right to serve the council with a notice requiring deemed discharge of the conditions; deferral is not an option. She stated that the council would very likely lose any subsequent appeal and have to pay costs.

Councillor Walsh enquired as to the financial cost of decanting the school to another site, but was informed that no such costing had taken place since there was no such site available. The Councillor also asked what stress tests had been done to make sure the CMPs were sound.

AThiru Moolan (Building Control) said that no building control applications had been submitted as yet and it would be premature to expect one. He agreed that the wall would be much safer post-work and that the wall is deteriorating over time. The past remedial work sunk anchors horizontally into the ground to hold the wall up on its inside. He explained that the proposed piling method would be continuous; a screw would dig down into the ground immediately followed by concrete being pumped into the hole. In his opinion, this is best practise regarding piling as it causes less vibration than other methods. If work was to be done only during school holidays, there would be a risk of water pooling (weather dependent) which could have an adverse effect on the wall. Installation of a pump could mitigate this problem. However, a stop start approach to construction increases risk. He asked whether the applicant would agree to piling being done during the half term holiday and the main works in the summer holiday.

The committee received verbal representation from Councillors Bonavia and De Ryk who spoke under standing orders.

Councillor Bonavia spoke about Condition 16, saying that it was included as a safeguard. He agreed that works need to be done but asked members to keep the condition as is, in place. Councillor De Ryk informed the committee that since she had not sat on the previous two applications presented to committee she did not feel it was right to be sitting on this one. She concurred with Councillor Bonavia’s position regarding the condition.

The committee received verbal representation from the applicant’s structural engineer who agreed that piling could be done over the half term holiday and that there was no need to

restrict the works. The piling rig could be kept out of a 3m exclusion zone and so would have no effect on the wall.

Debbie Tompkins interrupted the structural engineer and said that according to –the CMP document it would take one month to pile and one month to excavate.

Councillor Walsh asked the structural engineer how sure he was that nothing would go wrong and that an accident would not happen.

The structural engineer replied that as the lead structural engineer of the project, if he was in any doubt, he would not sanction the work.

Councillor Pascoud asked what has changed that now makes the wording of Condition 16 unfit.

Paula Young (Legal) replied that the information which has now been provided, satisfies officers and would not need the attaching of such a condition.

Max Smith (planning) argued that the CMP checks and balances have been undertaken by relevant experts.

Both Councillors Walsh and Bourne wanted further information and a review of the structural details by an external expert as they felt they were not getting the answers they wanted.

Finally, the committee received verbal representation from Sara Williams the Executive Director of Children and Young People (Lewisham Council). She informed members that she did not question the advice given by her colleagues in other departments. However, she stated it would not be right to keep children on site during construction operations if there is even a small element of doubt that something could go wrong. A breach of the wall's integrity could be very grave.

Councillor Amrani summed up what members needed to consider and reminded them that they would be voting on the three proposals.

Proposal 1. – With basement

Cllr Walsh moved a motion to reject the officer's recommendation. It was seconded by Councillor Bourne.

Members voted as follows:

FOR: Councillors Amrani (Chair), Walsh, Bourne and Till

AGAINST: None

ABSTAINED: Councillor Pascoud

RESOLVED: That approval of the submitted details for condition 3 of planning permission DC/15/094940 be refused due to insufficient information being provided regarding the impact of the works on the retaining wall to demonstrate that there would not be an adverse impact on the wellbeing of children and staff at the school.

Proposal 2 – without basement

Councillor Till moved a motion to accept the officer's recommendation. It was seconded by Councillor Walsh.

Members voted as follows:

FOR: Councillors Amrani (Chair), Bourne (Vice-Chair), Till, Walsh and Pascoud

AGAINST: None

RESOLVED: That approval of the submitted details for condition 3 of planning permission DC/14/89117 be granted.

Proposal 3 – vary condition 16

Councillor Walsh moved a motion to reject the officer's recommendation. It was seconded by Councillor Till.

Members voted as follows:

FOR: Councillors Amrani (Chair), Bourne (Vice-Chair), Pascoud

AGAINST: None

RESOLVED: That approval of a non-material amendment to vary condition 16 of planning permission DC/15/94940 be rejected.

4. Highfield House, 28 Sydenham Hill, SE26 6TP (Item 5 on the agenda)

The planning officer outlined details of the application for 40 'extra care' flats for the elderly in a new building of between three to five storeys, following the demolition of an existing care home. He spoke of the area being of special character, the scale and bulk of proposal, its impact on a locally listed building, and the effect of the proposal on amenity space to neighbouring flats, the impact of additional car parking, the quality of proposed accommodation and the outlook on to the communal areas. The officer appreciated that the proposed housing was for residents with special needs and as such the principle of special care accommodation was fine.

The application came to committee on five grounds for refusal 1. Design, scale and bulk, 2. Impact on locally listed building, 3. Standard of accommodation, 4. Overbearing impact on neighbours and 5. Impact on overspill parking on neighbouring streets. The wording of two of the reasons for refusal was clarified. It was called in for a committee decision by Councillor Hilton.

Councillor Walsh enquired as to whether any pre-application advice had been sought by the applicant. The officer stated that it had. Pre-application advice stated that the principle of the building to the side of the existing locally listed building would be considered acceptable subject to scale, bulk and relationship to the surrounding area. At pre-app stage the proposal was considered by officers to be excessive in terms of scale and bulk. The applicant did not want to reduce the scale of the proposal.

The committee received verbal representation from Peter Dickeson from PD Architects and the applicant James Parkhurst. Mr Parkhurst claimed that the two pre-application reports from the planning authority which he expected to receive were not forthcoming. He outlined that the applicants, Abbeyfield Housing Society who have owned the site since the 1980s are a non-profit organisation. The site has been used as a care home but was considered

unviable and closed in 2014. He considered the proposal well designed, specialist accommodation which would support an increasing elderly population. It would help in alleviating bed-blocking which is a problem experienced in the NHS. He stated that the proposal would not be financially viable if there was less than 40 flats on site.

Peter Dickeson informed members that the proposed design is based on best practice for dementia care and these requirements for such care should be taken on board. The flats would be large and wheelchair accessible with good levels of day/sunlight and support facilities. The flats, recreation rooms and corridors would be heated and the outdoor space secure and enclosed. Highfield House would be retained and restored. There have been no objections from the Sydenham Society. The front of the building would be 3 stories high and the rear would be 5 stories. The lack of car parking reflects the needs of the residents who would not own a vehicle and the staff who would be expected to use public transport to get to and from work.

Discussions between members and Messrs Parkhurst and Dickeson took place regarding the flats being 100% affordable, the brise soleil detailing of red cedar panels, loss of trees and views from the flats.

Councillor De Ryk applauded the principle of the scheme but said that officers concerns should be taken seriously and to her the proposal seemed overbearing.

Mr Parkhurst replied that the scale of the development is led by the number of units needed to make the development viable and 40 is the minimum number in this instance.

The committee received verbal representation from Deborah a resident at Flat 1 Leamington Court, and Mr Qureshi a resident from Porlock House on the Sydenham Estate. Both blocks of flats about the application site.

Deborah informed members that the proposed balconies would overlook her shared amenity space. Mr Qureshi spoke about the adverse impact of extra parked cars with regards to visiting family and friends. He stated that the proposed development would appear overbearing and affect his flats access to daylight/sunlight. He said that the existing building was less obtrusive and noticeable from the street. He stated that the given height of the building was misleading.

The committee received verbal representation from Councillor Hilton who spoke on standing orders. The councillor stated that she is the local councillor for this area. She informed members that there are a number of blocks of flats in the road that range in size. She believed that the large site size could acceptably absorb the bulk of the development. If the development was stepped down at the rear, it would mean the loss of one of two lifts being proposed, which would be unacceptable. She pointed out that the Sydenham Society had no objection to the proposal.

Councillor De Ryk said that she had not seen a viability assessment and that there should be another round of consultations to deal with the proposal. Whilst Mr Parkhurst didn't see the virtue of another consultation, Councillor Walsh agreed with Councillor De Ryk, who saw a need to defer and give officers the opportunity to negotiate amendments and further information to support the scheme. These include viability information to support the contention that 40 units were the minimum that could be provided, potential design tweaks to reduce the potential impact on neighbours, reconsidering the internal courtyard and examining further the highways impact on neighbouring streets.

Councillor De Ryk moved a motion to defer recommendation it was seconded by Councillor Walsh.

Members voted as follows:

FOR: Councillors Amrani (Chair), Bourne, De Ryk, Walsh Pascoud and Till.

AGAINST None.

RESOLVED: That the application No. DC/15/094733 be deferred to give officers the opportunity to negotiate some improvements.

Councillor De Ryk left the meeting at 10.20

5. 274 Brockley Road, SE4 2SF (Item 4 on the agenda)

This application was considered by members at the Planning Committee A held on 5th January 2017. It was resolved that the determination of the application be deferred to allow further negotiations to take place regarding the disproportionately large windows in the front elevation, in the hope that a more sympathetic design could be achieved.

The Planning Officer outlined details of the new windows which members approved.

Since there were no questions from members, Councillor Walsh moved a motion to accept the officer's recommendation. It was seconded by Councillor Till.

Members voted as follows:

FOR: Councillors Amrani (Chair), Walsh, Till, Bourne and Pascoud.

AGAINST None.

RESOLVED: That planning permission be granted in respect of application No. DC/16/097427.

The meeting ended at 10.25pm. Chair

30th March 2017

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Committee	PLANNING COMMITTEE A	
Report Title	LAND SOUTH OF OLD BROMLEY ROAD ENTRANCE, BECKENHAM PLACE PARK, OLD BROMLEY ROAD, LONDON, BR1	
Ward	Downham	
Contributors	Adonica Giborees	
Class	PART 1	11 May 2017

Reg. Nos. DC/16/097594

Application dated 22 June 2016

Applicant Access Sport CIO

Proposal The construction of a community BMX cycling facility comprising a limestone grit track, landscaped grass mounds and a temporary metal storage unit at Beckenham Place Park, BR1.

LEW-01; 6429_LD_PLN_xxx; Construction Phase Plan; Block Plan; Site Location; Proposed Site Layout 3D Model 1; Proposed Site Layout 3D Model 2; Proposed Site Layout 3D Model 3; Design & Access Statement & Planning Statement, Ecological Appraisal, Phase 1 Flood Risk Assessment ; Beckenham Place Park Masterplan (for illustrative purposes).

Planning Statement and Statement in response to objections (received 25th November 2017);

Examples of BMX track signage (received 7th February 2017); and

Images of existing car park; London BMX parking note (received 10th April 2017)

Background Papers

- (1) Case File LE/250/D/TP
- (2) Local Development Framework Documents
- (3) The London Plan

Designation

Area of Archaeological Priority
PTAL 2
Green Chain Area and Walk

Metropolitan Open Land
Green Corridor
Site of Nature Conservation Importance
Flood Risk Zone 1
Area of Archaeological Priority
Urban Green Space
Beckenham Place Park

Screening

N/A

1.0 Property/Site Description

- 1.1 The application site is located within the north-eastern section of Beckenham Place Park, approximately 70 metres south of the Old Bromley Road entrance. The site is comprised partially of amenity green space together with an informal parking area.
- 1.2 To the north of the site is Cherry Blossom Pre-school, a skate park facility, children's play area, and two one/two storey buildings. To the east and south of the site is the Ten Em Bee Sports Development Centre and its playing fields. Further to the south east is the Ashgrove Estate comprising industrial and business units. The remainder of Beckenham Place Park is located to the south and west of the application site, as is the River Ravensbourne. To the north of the park there are a mixture of residential properties as well as a social club along Old Bromley Road.
- 1.3 The site is designated as Metropolitan Open Land, Public Open Space and Green Chain Area. The majority of Beckenham Place Park to the west is designated as a Site of Importance for Nature Conservation. Additionally, the site is located within Flood Zone 1 and has a Public Transport Accessibility Level (PTAL) of 2.

Regeneration proposals

- 1.4 Beckenham Place Park is the largest area of publicly accessible open space in the Borough, extending to 96ha, though is under-used relative to other parks. In 2014, the Council submitted a stage 1 bid to the Heritage Lottery Fund (HLF) for the regeneration of Beckenham Place Park through the Parks for People programme, which was approved. The Parks for People programme is focused on getting more local people to use regenerated open spaces.
- 1.5 The plans for Beckenham Place Park include new sport and leisure facilities including a 5km running route, trim trail, all weather and walking trails giving better access for those with limited mobility and for buggies, open water swimming and better cycling facilities generally, enhanced skate park and space for informal sports, such as football, cricket and rounders. Other features will include a restored natural lake, wet woodland area, a new cafe in the restored listed stableblock, new toilets in the east and west sides of

the park, an education centre, a volunteering hub, new children's play areas, an orchard and community food growing.

- 1.6 Planning and listed building consent applications were submitted in November 2016 for Phase 1, relating to the western side of the park. Proposals for the eastern side, within which the application site is located, are being developed in partnership with the Environment Agency and it is expected that an application will be submitted in the Autumn.
- 1.7 The present application for a BMX facility has been brought forward independently of the wider regeneration proposals, whilst also having been designed to integrate with the masterplan.

2.0 Planning History *Application site*

- 2.1 An application was submitted (ref. DC/04/56660) for the refurbishment of the changing rooms/public toilets building at Beckenham Place Park, Old Bromley Road, Bromley. This included the construction of an additional storey at first floor level incorporating a balcony, and a two storey extension to the side, to provide changing rooms, toilets, classrooms, offices, workshop, garage, tuck shop, café, plant rooms, stores and associated facilities, together with alterations to the elevations. The proposal also included landscaping, and the provision of a Go-Kart Track and car parking. The application was withdrawn.

Adjacent site

- 2.1 An application has been submitted for the proposed regeneration of part (west of rail line) of Beckenham Place Park, Beckenham Hill Road (ref: DC/16/099042). This application is yet to be determined. Related to DC/16/099042, an application for Listed Building Consent for the proposed rebuilding and conversion of the stable block at Beckenham Place Park, to provide a cafe and education centre, together with alterations to and refurbishment of Southend Lodge and the Gatehouse (re: DC/16/099043). This application is yet to be determined.

3.0 Current Planning Application *The Proposals*

- 3.1 The proposal is for the construction of a BMX bike track facility. The track would be 33m wide and 55m long. It would run around the edge of the site with a number of internal loops and would be approximately 250 metres long in total. It would have a series of obstacles ranging between 0.8m and 1.6m in height along each one of 6 straights. The 'start hill' (1.8m high) and the 6 straight stretches of track would be connected by 6 asphalted berms (corners). The track would be approximately 1,570 sq.m. in area.
- 3.2 The facility is proposed to be constructed using porous limestone dust for the track, with tarmac berm edges and starting point. The banks of the track would be grassed and seeded with wildflowers.

- 3.3 In order to construct the track facility, topsoil would be stripped back to the subsoil and clay level to a depth of approximately 10cm-15cm.
- 3.4 The only other excavation would be for drainage channels and soakaways. Drainage channels would typically be 50cm-70cm deep and soakaways usually up to 1m deep.
- 3.5 A 3m buffer would be provided between the outer edges of the track and existing paths and boundaries. No boundary treatment or flood lighting is proposed.
- 3.6 The site layout leaves three triangular-shaped spaces to the side of the BMX track facility; in the southern section, this would remain as open grass land, the eastern section would house a storage unit on repaired former car park surface, and the western section would be grassed.
- 3.7 The proposed storage unit would measure 6.1m (L) x 2.4m (W) x 2.4m (H), and would provide temporary storage of equipment for the community club including bikes which children could use during lessons.
- 3.8 The track would be an open access public facility open throughout the year and during the hours that the park is open (from 8am until 16.00-18.30 during November-March and 19.00-21.00 during April-October).
- 3.9 A community club would also host structured sessions up to three times per week (Saturdays and Sundays between 10.00 and 13.00 and after school during spring/summer months between 17.00 and 19.00). It is expected that there would be approximately 1 session per day (on average). The structured sessions are proposed to be open to all members of the community, and the club would share the track with any casual users.
- 3.10 Signage would be put up for the purpose of setting out general information relating to the use of the track.

Supporting Documents

Design & Access Statement and Planning Statement (July 2016, Access Sport CIO)

- 3.11 This document outlines the design development of the proposed scheme, and provides a policy compliance overview in support of the subject application. Supplementary statements submitted during the course of the application respond to issues raised during the consultation process.

Phase 1 Flood Risk Assessment (September 2016, Ambiental Technical Solutions Limited. 2016)

- 3.12 This document sets out the potential sources of flooding, vulnerability and compatibility of the proposed development, an assessment of the flood impact, and recommended mitigation measures.

- 3.13 The report concludes that the proposed development is considered to be suitable assuming appropriate mitigation (including adequate warning procedures) can be maintained for the lifetime of the proposal.

Ecological Appraisal (July 2016, Land Use Consultants Limited)

- 3.14 This report provides an initial assessment of the ecological importance of the habitats in the areas relevant to the proposed BMX track facility, classification of the site's constituent habitats, and consideration of its suitability for notable faunal and floral species.
- 3.15 The report concludes that the site is considered to provide negligible ecological value, predominantly comprising amenity grassland which is both poor in structure and species diversity. Recommendations are made with respect to suitable seed mix for the proposed planting.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the applicant prior to submission and 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.
- 4.2 Site notices were displayed and letters were sent to residents and businesses in the surrounding area and ward councillors.

Pre-Application Consultation

- 4.3 The applicant's Planning Statement sets out a number of communications undertaken with key stakeholders and organisations. These included school surveys, ward assemblies, discussion groups, as well as visitor observations. Key findings from the pre-application consultation are set out in the 'Community Engagement' section (pages 18-20) of the applicant's Planning Statement.
- 4.4 In addition, the applicant had pre-application discussions with Council officers (through a correspondence service).

Council Consultation

Written Responses received from Local Residents and Organisations

- 4.5 A total of nine representations were made in respect of the application. Of these, 4 were objections, 1 was in support and 5 provided comments.
- 4.6 The letter of support stated support for all the plans for the regeneration of Beckenham Place Park, especially the BMX track.
- 4.7 The objections raised the following points (summarised):

- Location

- Anti-social behaviour
- Disturbance / Disruption
- Appearance of storage facility
- Generation of rubbish
- Traffic impacts
- Environmental impacts
- Impacts on privacy
- Loss of green and open space
- Conflict with other activities in vicinity
- Concerns raised regarding disturbance caused by motorcyclists riding up and down Old Bromley Road performing hazardous tricks and endangering pedestrians and other road users.
- An unsupervised BMX facility in the proposed location coupled with the history and crime and antisocial behaviour make the proposal an unacceptable risk to the local community.
- Question as to the need for a further sporting activity centre, given the presence of the Ten-Em-Bee Sports Development Centre nearby.
- Risks of bad behaviour and petty crime.
- Concerns of disruption to the local community.
- Question as to why the BMX track facility could not be located in the former golf course area away from residential properties.
- Unclear on why the proposal includes a temporary storage facility and the appearance of a storage container.
- Whether the proposal is to be a locked facility – issues of people congregating at all hours without supervision. Preference for new higher fencing and gates in wrought iron.
- Rubbish would be generated as a result of the proposal.
- Increase in vehicles driving in the wrong direction along Old Bromley Road, a one-way road system.
- Environmental impacts –Ravensbourne River is close by and site is habitat for wildlife.

- The track would provide an elevated view of residential properties.
- Loss of green and open space.
- Shared access with playground may be hazardous to young children.

4.8 The responses neither objecting nor supporting the proposal made the following comments:

- The track could be linear along the fence line between Beckenham Place Park and the Ten Em Bee Sports Development Centre football grounds to the east, so that it does not take up the only parking area in this vicinity.
- Comment regarding the presence of asbestos, World War II bomb damage material and made-ground in the park. Contamination assessment is absent in the application.

Written Responses received from Statutory Agencies

4.9 *Designing Out Crime Officer (Metropolitan Police Service)*

No objections or comments.

Historic England – Archaeological Advisory Service

4.10 Historic England neither object nor support the application. Conditions are recommended however, requiring a written scheme of investigation by a suitably qualified professional, a watching brief for investigation and recording of features of archaeological interest which are revealed, and protective fencing to avoid accidental damage to the archaeology of the surrounding Beckenham Park Place Park landscape.

Environment Agency

4.11 The Environment Agency (EA) have no objections to the proposal. However they offer the following advice with respect to flood risk management, pollution prevention, and permits/consents/licenses:

The EA consider that the proposed development poses a low risk of flooding. They are satisfied that the location of the BMX track will not impede access to the bund for the flood alleviation scheme (FAS) which is currently being worked on in collaboration with the Council.

- Care will need to be taken to prevent any pollution to the Ravensbourne River, such as the discharge of sediment.
- The applicant will need to obtain the appropriate waste exemption or permit from the Environment Agency for the imported fill material (classified as waste) to be used on site.

Sport England

- 4.12 Object due to inadequate information, specifically whether replacement car parking would be provided prior to the BMX cycling facility being operational.

Responses from Internal Consultees

Ecological Regeneration Manager

- 4.13 The Council's Ecological Regeneration Manager has advised that there are no significant comments to make, however would like for the recommendation made in the ecological appraisal to incorporate an element of species-rich wildflower planting as part of the scheme design to be fully realised. A request has been made to require a mechanism to secure the delivery of this planting.

Highways and Transportation

- 4.14 It has been confirmed in the plans submitted as part of the wider park regeneration works (in the Transport Statement, Travel Plan & Parking Management Plan section 4.4.2) that the car park accessed via Old Bromley Road will be slightly relocated, but is expected to continue to provide around 20 parking spaces as it does currently. So, as the off-street parking provision will be re-provided as part of the wider park regeneration works, the proposed BMX Track Facility is considered unobjectionable.

Environmental Health Officer

- 4.15 Having checked the available historical records, there are no signs of any significant contaminative type activities having taken place in 1860, 1916 and 1953. In the intervening years there could be localised areas of contamination, however given the limited area and level of excavation involved in the proposed works, it is considered that a condition requiring a watching brief during excavation works and specifying that the chemical quality of imported materials will need to be appropriate for the use would be sufficient in this case.

5.0 Policy Context

Introduction

- 5.1 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.

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)

5.2 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

5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, 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. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans 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)'.

5.4 Officers have reviewed the Core Strategy 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.

Other National Guidance

5.5 The other relevant national guidance is:

On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

London Plan (2016) (as amended)

5.6 The London Plan policies relevant to this application are:

Policy 1.1 Delivering the strategic vision and objectives for London

Policy 2.14 Areas for regeneration
 Policy 2.18 Green infrastructure: the network of open and green spaces
 Policy 3.2 Improving health and addressing health inequalities
 Policy 3.6 Children and young people's play and informal recreation facilities
 Policy 3.16 Protection and enhancement of social infrastructure
 Policy 3.19 Sports facilities
 Policy 5.21 Contaminated land
 Policy 6.9 Cycling
 Policy 7.1 Building London's neighbourhoods and communities
 Policy 7.2 An inclusive environment
 Policy 7.3 Designing out crime
 Policy 7.4 Local character
 Policy 7.5 Public realm
 Policy 7.6 Architecture
 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 7.19 Biodiversity and access to nature

London Plan Supplementary Planning Guidance (SPG)

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

Shaping Neighbourhoods: Play and Informal Recreation (2012)

Core Strategy

5.8 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Development Management Local Plan and the London Plan is the borough's statutory development plan. 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 2 Regeneration and Growth Areas
 Core Strategy Objective 6: Flood risk reduction and water management
 Core Strategy Objective 7: Open spaces and environmental assets
 Core Strategy Objective 10: Protect and enhance Lewisham's character
 Core Strategy Objective 11: Community well-being
 Core Strategy Policy 10 Managing and reducing the risk of flooding
 Core Strategy Policy 11 River and waterways network
 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 19 Provision and maintenance of community and recreational facilities

Development Management Local Plan

5.9 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. 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:

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 24	Biodiversity, living roofs and artificial playing pitches
DM Policy 26	Noise and vibration
DM Policy 28	Contaminated land
DM Policy 30	Urban design and local character
DM Policy 43	Art, culture and entertainment facilities

6.0 Planning Considerations

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

- a) Principle of Development
- b) Location
- c) Design
- d) Noise and Disturbance
- e) Highways and Traffic Issues
 - i) Access
 - ii) Servicing
 - iii) Car Parking
- f) Biodiversity
- g) Neighbouring Amenity
- h) Other considerations

a) Principle of Development

6.2 In terms of the acceptability of the principle of siting such a use in the proposed location, there are two main issues: whether or not the proposal harmfully affects the Metropolitan Open Land (MOL) in which it sits and whether the displacement of the existing parking is acceptable.

6.3 In terms of the impact on MOL and Public Open Space Core Strategy Objectives 7 and 10 and Core Strategy Policy 12 seek to protect existing open space from inappropriate development, to ensure there is no adverse effect on their use, management, amenity or enjoyment in accordance with the principles of the London Plan Policy 7.17 which states:

“B) The strongest protection should be given to London’s Metropolitan Open Land and inappropriate development refused, except in very special circumstances, giving the same level of protection as in the Green

Belt. Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of the MOL.”

- 6.4 Green Belt policy is set out in the NPPF. At paragraph 89 it identifies a number of exceptions when a building in the Green Belt (or MOL) can be appropriate. One such exception is the provision of appropriate facilities for outdoor sport and recreation, as long as they preserve the openness of the designated area and do not conflict with the purposes of including land within it. In land use terms therefore, the provision of a BMX track would be appropriate within MOL, subject to other relevant considerations including parking, design and amenity.
- 6.5 The proposed BMX track facility would, in part, occupy an area used for parking, which is surfaced. The proposal would not remove parkland but change grass and an unofficial car park to an alternative type of parkland use. Additionally the wider proposal for the rest of the park proposes that a number of smaller buildings would be removed and as such the siting of the storage unit and track are not considered to harmfully affect the openness of the Metropolitan Open Land.
- 6.6 The proposed BMX track facility would give rise to the loss of an unofficial car park which can accommodate a maximum of 20-22 cars. The applicant has provided evidence in regard to the nature and usage of the car park which explains that the parking area is not an official car park, is not properly surfaced or marked out, and is not heavily used. The applicant states that the car park is rarely used for more than 3 cars at a time. This is the experience also of officers when site visits have been made to this location.
- 6.7 Additionally, the facility does not require parking facilities. This is a local BMX track facility designed to cater for people in the immediate area, able to reach the facility by bicycle or on foot. The capacity of the track will be a maximum of 16 people at any one time. They state that their previous experience of introducing BMX tracks in similar residential urban areas is that the vast majority of people using the track do not come by car. It is not therefore anticipated that there will be a need to accommodate substantial additional demand for parking because of the BMX track development.
- 6.8 The Environment Agency is scheduled to submit a planning application in Autumn 2017 which is predominantly for flood mitigation works within the park, but it is being brought forward jointly with the Council's Regeneration Team and would include regeneration proposals for the eastern side of the park, linking in with those for the western side which are already under consideration. Although the proposals are still under discussion, they include an area of car parking adjacent to the track facility.
- 6.9 In light of the above, the principle of developing the site for a BMX track is considered acceptable, subject to matters relating to suitability of location, design, biodiversity, river and flood risk, and neighbouring amenity. These are discussed in detail in following sections of this report.

b) Location

- 6.10 London Plan Policy 3.16 and Core Strategy Policy 19 outline that the preferred location for new community and recreational facilities would be in areas that are easily accessible and located within close proximity of public transport, other community facilities and services. Wherever possible, the multiple use of premises should be encouraged.
- 6.11 The decision to locate the BMX track facility in the eastern part of the park instead of the former golf course (in the western part) is considered appropriate as it consolidates multiple similar uses in one part of Beckenham Place Park. This in turn would help minimise travel distances for users and encourage community participation and inclusion. The location is close to the Ten-Em-Bee Sports Development Centre which has sports training programmes for cricket, tennis, netball and football. The introduction of a cycling facility would further improve the variety of sports available.
- 6.12 The proposed location would integrate with and complement neighbouring facilities such as the children's playground, skate park and sports development centre. Being located on the eastern side of the park, the BMX track would be situated a considerable distance from the Grade II* Listed Beckenham Place Mansion which is located on the western side of the park. It is also set away from the Beckenham Place Park conservation area which covers the listed mansion and associated parkland.
- 6.13 The proposed location for the BMX track facility is at the closest part of the park to Downham Town Centre, which provides easy accessibility and is within close proximity to services and public transport (albeit being in an area with a PTAL of 2). Furthermore, Access Sport has identified this location as preferable as the purpose of introducing the facility is to encourage young people in deprived areas to take up sport. They additionally note that there is a large population of young people and several schools in the local area which will benefit from the facility. The applicant provided the results of a 'hands-up survey' following a 3 month intensive programme with London Cycling Campaign (LCC) (Jan – Mar '15) when 617 young people took part in BMX sessions. The results showed:
- 95% enjoyed the BMX sessions
 - 79% felt they had learnt something new
 - 79% said they will cycle more from now on
 - 48% said they had cycled more since attending BMX sessions
- It is considered that the proposal would help to deliver a number of objectives of the London Plan and Council's Core Strategy aimed at maximising opportunities for sport and recreation through well-designed and managed spaces and increasing access to open spaces.
- 6.14 Whilst there was some concern over the location of a bike track in this location from objectors, for the reasons given the above, the proposed BMX track facility is considered to be in a suitable location.

c) Design

- 6.15 Paragraph 73 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. . Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 6.16 Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure the highest quality design, while DM Policy 30 echoes how important good design is. Any proposed scheme for this site will be assessed with consideration to the design, character, sense of place and contribution to the environment.
- 6.17 The track would have mounds around its perimeter which would slope up to the track (no more than 45 degrees). They would be grassed and seeded with wildflowers to soften the appearance of the track, mould it into the surrounding grassland and minimise visual impact of the proposal. The proposed wildflower planting would also add colour, interest and texture to this area of the park.
- 6.18 With a maximum height of 1.6m (with the start hill being 1.8m), the entire track facility is of low profile and modest design, and would be unobtrusive when viewed in the context of the entire park, as well as the wider surrounding environment. It would also be screened by existing trees which are to be retained.
- 6.19 The materials proposed for the track would mean it would not significantly stand out within the park landscape. The appearance of the porous limestone dust can be likened to the surface of the existing car parking area, though lighter in colour.
- 6.20 The border between the track line and paths, car park and boundaries is designed in a way to protect access for existing and future users. This is considered appropriate, and is aligned with the safety standards of the Royal Society for the Prevention of Accidents (RoSPA).
- 6.21 The proposed temporary storage container, at a height of 2.4m, would not be a prominent structure within the wider landscape. From outside of the park, this structure would be screened by existing trees on site which are to be retained. The unit would be visible within the park and is at present proposed to be green in colour. There has been some local concern over the appearance of the unit and Officers consider that more could be done to integrate it and as such a condition seeking details of its external treatment has been attached. The treatment could be in the form of nature based or other inkeeping artwork or timber cladding. These details would be required before the cycle facility opens.
- 6.22 It is considered that the track has been sensitively designed and set-in in order to retain the open space surrounding the site. Overall, the design and

appearance of the proposed BMX facility is considered appropriate in the context of its setting.

d) Noise and Disturbance

- 6.23 BMX bikes do not produce high levels of noise against track surfaces. Cumulatively, there is likely to be some audible sound from a number of BMX bikes and their users on the track at the same time. However the level of noise generated by use of the track would likely be insignificant from outside of the park given the screening on the boundaries closeby.
- 6.24 There would be some noise associated with the activity, for example general noise from persons entering and exiting the site, patrons and observers interacting with one another, and from training sessions. The noise increase is not expected to be significant or harmful to neighbouring residents given the scale of the park and the options that users could enter/exit using several different routes, there is significant screening on close by boundaries and that park has existing noise levels from general use. Particularly with the presence of a skate park nearby, overall, the level of noise associated with the proposed activity is commensurate with the use of public open space used for a range of activities such as ball sports, skate parks, playgrounds etc.
- 6.25 Some concerns were raised by local residents with regard to noise and disturbance and it can be confirmed that it is a facility for bicycles not motorbikes. Unlike skateboards, BMX bikes do not make noise against the track surface. Access Sport has experience of BMX tracks in 15 other London boroughs and there is no evidence to suggest additional noise would be created by this facility. Opportunities for anti-social behaviour would be limited as the track would be a managed facility with sessions being run on a regular basis, it would not be lit and would be within the park which is locked at night.
- 6.26 The track will be a free to use public facility that is safe and self-regulating. As in other parks, cycling in the park would be regulated in the normal way by bylaws with pro-active management by Park Wardens, the local police and club volunteers and coaches. Through qualified coaches and Bikeability the club and coaches would teach responsible, safe cycling at the club and in local schools. The applicant has stated that the majority of BMX tracks in London are located in public parks and they are not aware of any complaints of BMX related cycle nuisance since 2011 in any of these parks.
- 6.27 The community BMX club that will be developed by Access Sport will be able to give regular updates to the Parks management team regarding the condition of the facility and the surrounding area. The applicant has agreed with the Parks Service that the Council would erect appropriate signage that specifies the rules for using the facility and have submitted examples of such signage erected in other London parks.
- 6.28 Overall, it is considered that the proposal would not result in significant additional noise or disturbance to neighbouring residential properties or the local community in accordance with Core Strategy Policy 12.

e) Highways and Traffic Issues

i) Access

- 6.29 Access to the proposed BMX track facility would be via the existing access way into the car parking area over which the proposal is to be located. This is considered appropriate as access to multiple facilities would be consolidated thereby ensuring any impacts arising in terms of traffic safety are appropriately mitigated.
- 6.30 Some local concern was raised that there may be an increase in vehicles driving the wrong way around Old Bromley Road and that the shared access with other park facilities could pose a safety hazard. It is not considered that the proposal will give rise to a significant number of trips by car and therefore the likelihood of these being significant issues is low.

ii) Servicing

- 6.31 No specific servicing requirements have been identified by the applicant. It is considered that any servicing vehicles (likely those to maintain the track and drop off and pick up and equipment from the temporary storage unit) would be infrequent and could utilise the existing access.

No cycle parking facilities are proposed as users would either be on their own bikes or use those stored within the unit.

iii) Car Parking

- 6.32 As discussed above, the proposal would result in the loss of part of the existing, informal car parking area. The loss is not considered significant given that the car parking is not well used and there is sufficient capacity on surrounding streets to accommodate cars. In the wider plans for regenerating the park a car park is proposed adjacent to the track although that will come forward at a later stage (application expected Autumn 2017) and this is to provide a small parking area of approximately 20 vehicles to handle the overall expected increase in user numbers. There are other parking areas within the park, but given its scale these are a distance away. The applicant, who runs a number of other facilities in London, has provided details of parking arrangements at 9 such venues. The majority of these facilities have no dedicated parking or limited parking shared by the park within which they are situated and most are located in parking controlled areas. Additionally, the proposed facility is not of sufficient scale to host a BMX race event. As most patrons are likely to live within the local area and many will cycle to the site, it is not anticipated that the proposal would generate a significant amount of additional vehicles to the site.
- 6.33 Additionally, reference is made to the Transport Statement submitted in respect of the application for the regeneration proposals on the western side of the park. As it relates to the wider regeneration proposals (for both sides of the park) it is relevant also to the present application. Key points made by that document are set out below:

- a. Unrestricted on-street parking is generally available on roads around the park. Visits made during the writing of this statement found availability to be good.
- b. The roads in the Beckenham Place Park (BPP) area are generally residential in nature and lightly trafficked, particularly at peak visitation times for BPP visitors, typically between midday-1pm on a weekday and 2-3pm on a Sunday. As to be expected, BPP visitation is negligible during external road network peak hours, particularly so given the park's closure to vehicles at dusk.
- c. Along with parking opportunities within BPP, the surrounding roads offer widespread opportunity for motorists to park-up on unrestricted roads around the park, particularly to the northeast and southeast where access is most convenient, and enter via pedestrian/cyclist or vehicular gates. This availability is increased during weekends when commuter parking is absent.
- d. On-street parking availability on the local surrounding roads is generally good, with parking typically available on both sides of the road around the entrance to the park where the BMX track is proposed. This is particularly so at weekends when parking by rail commuters is less prevalent. Site observations have concluded that any occasional overspill parking would therefore be comfortably accommodated on-street.

6.34 As such, although the existing car park would be removed, officers are satisfied that it is not heavily used, that the proposal would not generate significant parking demand and that it could be accommodated on surrounding streets.

6.35 The Council's Highways Officer has reviewed the proposals, and the Transport Statement and raised no objection on the basis that equivalent off-street parking provision will be re-provided as part of the wider park regeneration works.

6.36 Overall, the proposed development would not result in significant impacts with respect to highways and traffic issues.

f) Biodiversity

6.37 The ecological report provided as part of the application sets out that, in theory, the proposal has the potential to attract increased numbers of visitors to the park. However, given the specific nature of the proposed BMX track facility, users are likely to focus their attention on the facility, and therefore it is considered unlikely that such a niche facility would contribute to increasing recreational pressures or anti-social activities within the wider park.

6.38 Potential lighting impacts to protected species such as bats would not occur given there is no lighting proposed as part of the proposal.

- 6.39 The provision of dirt tracks, mounds and jumps is likely to create disturbed soil conditions which can provide suitable conditions for uncommon invertebrates.
- 6.40 The applicant's ecological report recommends a suitable seed mix for the planting of wildflowers that seeks to use native seed.
- 6.41 The Council's Ecological Regeneration Manager has not raised any concerns with regard to the findings of the ecological report, however recommends that a process be put in place to ensure delivery of the planting of wildflower. A condition is recommended to this effect, requiring a detailed landscaping scheme be submitted for approval.
- 6.42 Overall, the scheme is considered likely to result in an ecological benefit within the site.

g) Neighbouring Amenity

- 6.43 The boundaries surrounding the site are well treed with evergreen, dense trees and as such are likely to provide a sufficient visual screen between the houses and the track. They will also provide a level of noise protection. Whilst there is a small gap in the trees along this boundary, the views are towards the Ten-Em-Bee sports ground and possibly a small portion of the rear gardens of residential properties which front Old Bromley Road to the east.
- 6.44 At a maximum height of 1.8m for the start hill (with undulations between 0.8-1.6m across the rest of the track), users would be elevated above natural ground level. The distance from the nearest residential rear elevation and the start mound would be 40m. The impact in terms of overlooking on these residential properties as a result of the proposed development would be minimal given the separation distance involved and presence of mature planting on the boundary, even when elevated.
- 6.45 Only members would have access to the storage unit, and it would only be open during the times the community club is running structured sessions on the site. The storage unit would remain locked outside of these times. As with the remainder of the facility, there would be no access once the park closes, therefore it is not considered necessary to construct fencing around the facility. A fence would also make it appear as a more solid structure in long views, harmful to preserving the openness of the MOL.
- 6.46 A litter bin is proposed to be located in the northern part of the site, close to the access way into the site. This is considered appropriate to enable patrons to dispose of any rubbish they produce during their visit to the BMX track facility. The provision of a rubbish bin would mitigate any potential impacts arising from rubbish being generated as a result of the proposal. This would alleviate a concern raised in a letter of concern.

h) Other considerations

River and Flood Risk

- 6.47 Core Strategy Policy 11 seeks to ensure that the River Ravensbourne Network, among others, is preserved and enhanced. Development adjacent to rivers should contribute to their special character. The proposed development would be located approximately 55m to the east of the River Ravensbourne. At this distance, and given that the proposal is of modest scale and will be grassed and planted to create an attractive park feature, it is not considered that it would have a material impact on the river.
- 6.48 The application site is located within Flood Zone 1 and therefore at low risk of flooding. The applicant has submitted a Phase 1 Flood Risk Assessment in support of the scheme. Given that the site is located outside the area of modelled flood extents, has a site area of less than 1hectare, that the design incorporates permeable materials and soakaways and that the use would be classified as 'Water Compatible' under the NPPF, it is considered that the proposals would be acceptable in terms of flood risk.

Archaeology

- 6.49 The site is located within an Area of Archaeological Priority. Within these areas, Development Management Plan 37 advises that development proposals may require preliminary archaeological site evaluations. In this case the degree of excavation is limited. Historic England were consulted on the proposals and recommended that a condition be attached to any approval requiring a watching brief to be carried out during the excavation works and the results of archaeological evaluation to be reported. With the benefit of this mitigation, it is considered that the proposals are acceptable in reference to DM Policy 37.

Ground contamination

- 6.50 Concern was raised during the consultation process that the site may be contaminated with bomb arisings and asbestos. The Council's EHO has checked the available historical records and has advised that there are no signs of any significant contaminative type activities having taken place in this location. Additionally, the results of investigations undertaken in relation to the wider masterplan works have indicated that, although there is evidence of bomb arisings and asbestos in the eastern side of the park, they do not occur in the application site boundary. The proposed works involve limited excavation but nevertheless, the Council's EHO has advised that a precautionary approach be taken, recommending a watching brief during the excavation stage. This is proposed to be controlled by condition.

7.0 Conclusion

- 7.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 7.2 The principle of developing the site for a BMX track is considered acceptable, as it would constitute an appropriate use within MOL. The proposal would not remove parkland but change grass and an unofficial car park to an

alternative type of parkland use, providing a new recreational facility for local residents and extending access to and use of this part of the park.

- 7.3 The location of a BMX track facility in the eastern part of the park is considered appropriate as it consolidates similar uses in one part of Beckenham Place Park, in the closest part of the park to Downham Town Centre.
- 7.4 The track facility would be of low profile and modest design, and would be unobtrusive when viewed in the context of the entire park, as well as the wider surrounding environment. It would also be screened by existing trees which are to be retained. The proposed storage unit would be sited temporarily and subject to a condition requiring details to be submitted for approval of an external treatment to help integrate it with its surroundings.
- 7.5 Although the existing informal car park would be removed, officers are satisfied that it is not heavily used, that the proposal would not generate significant parking demand and that that demand could be accommodated on surrounding streets.
- 7.6 Overall, it is considered that the proposal would deliver a new, well-designed recreational resource in an appropriate location and would not give rise to any significant impacts which cannot be adequately mitigated through the proposed conditions.

8.0 RECOMMENDATION
GRANT PERMISSION subject to the following conditions:-

Conditions

Time limit

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.

Approved plans

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

LEW-01; 6429_LD_PLN_xxx; Construction Phase Plan; Block Plan; Site Location; Proposed Site Layout 3D Model 1; Proposed Site Layout 3D Model 2; Proposed Site Layout 3D Model 3; Ecological Appraisal, Phase 1 Flood Risk Assessment.

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.

Archaeology

3. a) No development at or below ground level shall take place until a Written Scheme of Investigation (WSI), which has been submitted to and approved in writing by the local planning authority, has been implemented.

b) The WSI to be submitted and approved under part (a) above shall include a statement of significance, research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works and the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

Reason: To ensure adequate access for archaeological investigations in compliance with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy 7.8 of the London Plan (July 2011).

Site investigation

4. (a) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraphs (i) (ii) 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 paragraphs (i) and (ii) below have been complied with in relation to the new contamination.
- 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 shall have been submitted to and approved in writing by the local planning authority; and
 - (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 (including subsequent correspondences as being necessary or desirable for the remediation of the site) to and approved in writing by the Council.
 - (iii) The approved remediation scheme arising from (i) and (ii) shall be implemented in full.

(b) All imported or reused soil material to be used in the formation of the BMX track facility shall conform to relevant soil quality requirements, namely S4UL’s, C4SL’s, SGV’s as appropriate.

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).

Storage Unit- external treatment

5. a) Prior to first siting of the storage unit hereby approved on the site, details of the external treatment of the structure (such as artwork or timber cladding to assist its integration within the park setting) shall have been submitted to and approved in writing by the local planning authority.
- b) The approved treatment shall be applied and completed within 2 months of the first use of the storage unit and maintained thereafter.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the storage unit and to comply with Policy 7.17 of the London Plan (2016), Policy 12 Open space and environmental assets and 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.

Storage Unit- temporary siting

6. The temporary storage structure hereby permitted shall be removed and the land restored within 3 years of the date of this permission.

Reason: The type of building is not such as the local planning authority is prepared to approve, other than for a limited period, in view of its appearance in the interest of the visual amenity of the area and in accordance 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).

Soft landscaping

7. (a) A scheme of soft landscaping (including details of species-rich wildflower planting, proposed plant numbers, species and location) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to first use of the BMX track.
- (b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). 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 Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham 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).

Construction hours and deliveries

8. 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).

Control of external lighting

9. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no lighting shall be installed or operated on the site without express planning consent from the Local Planning Authority first being obtained.

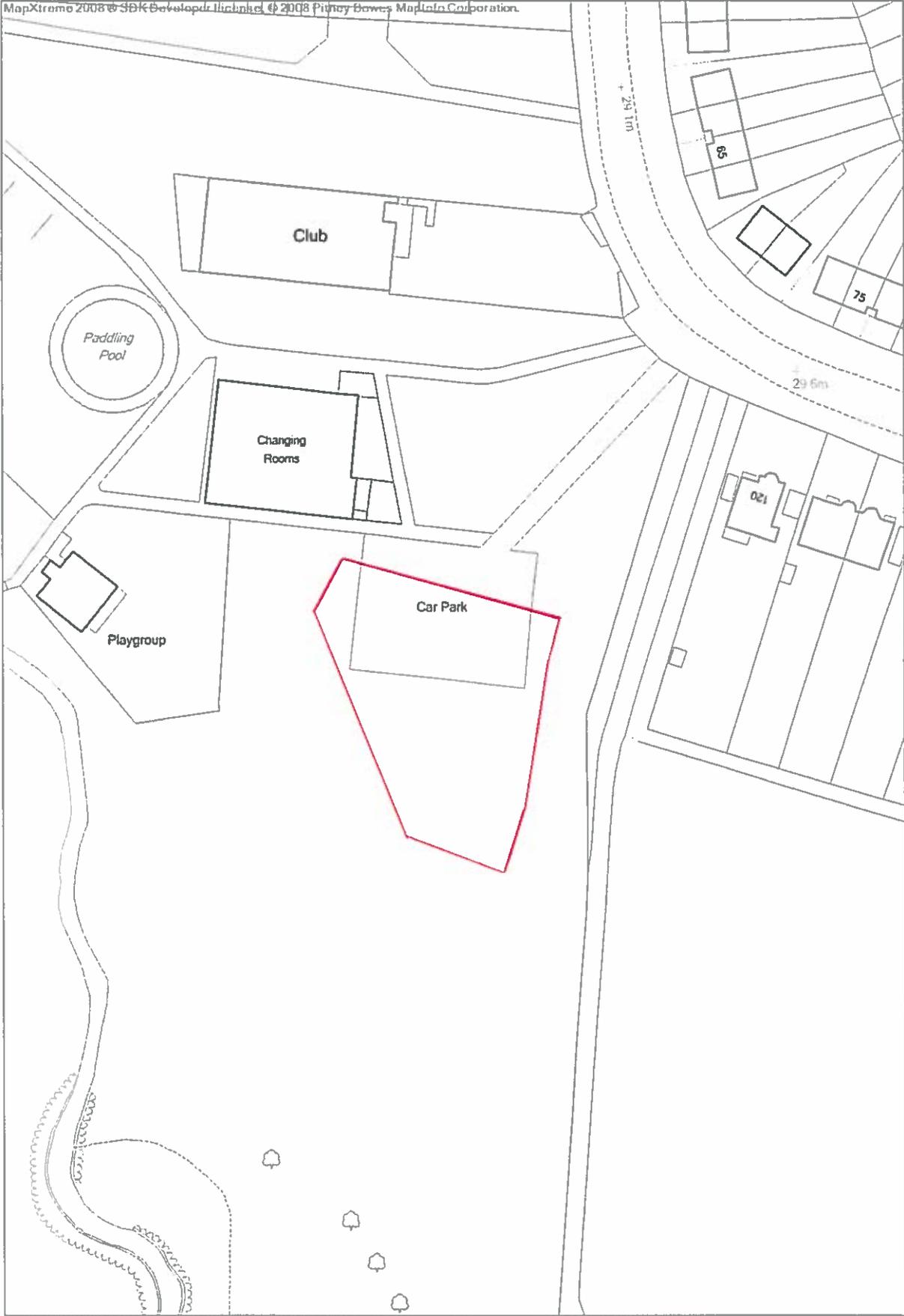
Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

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.
- B. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.

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Beckenham Place Park, BR1 Site Map



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Committee	PLANNING COMMITTEE A	
Report Title	46 Bromley Road SE6 2TP	
Ward	Rushey Green	
Contributors	Michael Johnson	
Class	PART 1	11 May 2017

Reg. Nos. DC/16/098134

Application dated 31 August 2016

Applicant Mrs Hogman Bay Tree House

Proposal Change of use from residential (C3) TO Day Nursery (D1) at 46 Bromley Road SE6 2TP

PL01; PL02; PL03; PL04; PL05; PL06; PL07;
PL08; PL09; PL10; PL11, Child Care Nursery
Plan April 2017

Background Papers

(1) Case File LE/472/46/TP
(2) Local Development Framework Documents
(3) The London Plan

Designation

Area of Archaeological Priority
PTAL 5
Flood Risk Zone 2
Area of Archaeological Priority
Culverly Green Article 4 Direction
Culverly Green Conservation Area
Not a listed building

Screening N/A

1.0 Property/Site Description

1.1 The application site is a large 2-storey with roof accommodation detached property located on the west side of Bromley Road. The property has relatively large sized front and rear gardens. The surrounding area provides a mix of residential and care homes.

2.0 Planning History

- 2.1 2015: Pre/16/002318 – Pre application submitted regarding the change of use from residential (Use Class C3) to Nursery (Use Class D1) to provide day care for up to 60 Children. Pre application response stated that no identified demand had been demonstrated nor had alternative accommodation considered. On this basis the principle of the use was unacceptable. Furthermore, highway concerns had been identified given the number of children proposed, the limited space within the site and the likely impact on traffic conditions along Bromley Road and the Bus network. The applicant was advised that the current proposal could not be supported.

3.0 Current Planning Application

- 3.1 Change of use from residential (Use Class C3) to Day Nursery (Use Class D1) to accommodate up to 58 Children and 17 staff members together with use of the frontage for children's drop off/pick up.
- 3.2 The proposal will provide nursery spaces for 58 children together with 17 employees. The opening times for the nursery are proposed to be Monday-Friday 8am-6pm.
- 3.3 There are no proposed changes to the front façade of the building which will retain the character of the property. In addition, the original features of the building will be retained as much as possible to allow for the existing residential use to be reinstated where necessary in the future.
- 3.4 The existing rear garden will be used as an outdoor play area ancillary to the nursery.
- 3.5 A buggy shed and cycle storage will be provided to encourage car-free travel to the nursery.
- 3.6 Vehicular access will be via the two existing dropped kerbs. It is proposed that cars can come through via the entrance to the south and exit via the entrance to the north of the site. One disabled parking bay will also be provided.
- 3.7 According to the information provided in the Design and Access and Heritage Statement, the majority of parents (80%) are expected to arrive by foot with only 20% expected to drop off and pick up their children by car. As such,

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the applicant prior to submission and 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.

- 4.2 Site notices were displayed, Press Notice was advertised on 28 September 2016 and letters were sent to 39 neighbouring properties and the relevant Ward Councillors. The Council's Highways team and Conservation were also consulted together with Culverley Green Residents, the Council's 'Children and Young People' and 'Early Years Improvement' teams.

Council Consultation

Written Responses received from Local Residents and Organisations

- 4.3 Seventeen letters in favour of the application were received. The general comments included the following:

- In support of the application due to increasing demand for nursery spaces
- Argue that the house would not be attractive for single family use owing to its location along a red route (Bromley Road) and instead would be suitable for nursery use
- Experienced provider offering a valuable service of good quality early childcare;

- 4.4 Three objections were received from Culverley Green Residents Association and two neighbouring residents at No. 44 and Flat 4, No 44 Bromley Road.

The following concerns were raised:

- Concerns regarding noise from the outdoor play area arising from number of proposed pupils and staff levels;
- Design and Access statement outlines that noise will be mitigated but does not provide information on who this will be achieved;
- Proposal is reliant on parents using public transport to prevent highways impact, this cannot be guarantee;
- Object to the loss of large residential unit which are in demand;
- Over-concentration of nurseries in the area. The proposal will have a greater negative impact on the character of the area;
- Culverley Green Residents Association do not accept the demand for nursery spaces is sufficiently local to the conservation area;
- Culverley Green Residents Association have also raised concerns regarding the predicted parking impact. They argue that the proposal cannot ensure that staff do not travel to the nursery by car and prevent them parking locally if they do so. In addition they do not accept the outlined predicted impact on the highway

One neutral comment was also received raising concerns regarding the proposed number of children likely to attend and the impact this would have on the normal domestic experience of enjoying the gardens for the adjoining properties

The Council's Early Years Quality and Sufficiency Team responded to advise that the Childcare Sufficiency Assessment advised additional spaces will be required in the Rushey Green Area. In addition, the applicant is a known provide and are judged to be 'good' by Ofsted.

The Council's Education Team responded with no objection to the proposal.

- 4.5 The letter of support stated support for all the plans for the regeneration of Beckenham Place Park, especially the BMX track.

Written Responses received from Statutory Agencies

- 4.6 *Transport for London*

- 4.7 Transport for London were consulted several times on this application. The first consultation comments were based on the applicant not providing a Travel Plan with the proposals. It was argued that given the PTAL rating of the site and that most of the users would arrive by foot, a Travel Plan was unnecessary:

Thank you for your letter dated 11th November 2016 seeking comments from Transport for London (TfL) on the above mentioned application. The proposal is located on the A21, Bromley Road, which forms part of the Transport for London Road Network (TLRN). TfL is the highway authority for the TLRN and therefore concerned about any proposal which may affect the safety or performance of this road. Therefore all vehicles associated with the conversion must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions. No skips or construction materials shall be kept on the footway or carriageway on the TLRN at any time.

TfL has reviewed the above mentioned application and has the following comments to make:

Vehicle drop-off

- TfL is concerned with the vehicle activity on the TLRN, especially with vehicles stopping on the red route to drop off children to the nursery despite the restrictions, or queuing on the TLRN.*
- The other concern is the increase in the number of vehicle trips, likely to be created by this proposal, no travel arrangements have been proposed to manage parking or drop off/pick up for this, this should be included in a travel plan. The Transport assessment has highlighted the hours of 7:00-10:00 AM as the morning period when children are dropped off, however this period of drop-off seems very long. The majority of parents will drop children off around the same time, which may then cause queueing or illegal parking on the TLRN. TfL therefore requests the applicant implements staggered drop-off times for children at the nursery, to prevent any impact on the TLRN.*

- Tfl carried out its own TRICS survey data for 8:00-9:00 AM peak and the figure of 25 two-way vehicle trips was highlighted which far surpasses the figure of 17 in the proposals transport assessment. Tfl requests the applicant reevaluates figures and carries out further surveys to demonstrate the proposal will have no impact on the TLRN.
- Tfl also seeks clarification on the total amount of cars the driveway is able to park at any one time, as the transport statement states 4-5?

Travel Plan

- A full travel plan will need to be produced, providing parents and staff with information on the transportation options to and from the nursery. More guidance on what the travel plan should contain can be found at: <https://tfl.gov.uk/info-for/urban-planning-and-construction/travel-plans/travel-plan-content>. The travel plan will need to be secured by condition.

Car Parking

- The transport statement indicates there will be the inclusion of one blue badge, this blue badge space should be secured by condition.

Cycle parking

- Tfl notes that the current cycle parking provision for the proposal (six spaces) meets London plan standards. These six spaces should be secured by condition.

Tfl requests additional information is provided and the above points as outlined above are addressed prior to being supportive of the application.

Additional comments were provided further to the above:

We would be looking for:

- Swept paths- to confirm vehicles are able to manoeuvre within red line boundary.
- Travel plan- justification of not needing one isn't accepted, all schools and Nurseries (D1) are required, even more so now with the mayors ambitions to reduce pollution levels.
- Drop off times- applicant looks at the best case scenario, parents may take longer, due to children not settling in etc.
- After reviewing the parking survey again, I would support your interpretation of the parking survey, it does appear that there is no available space in surrounding roads to accommodate additional parking. Therefore I think it is imperative that the applicant produces travel plan; monitors student drop off and provides swept paths showing vehicles are able to manoeuvre within the red line boundary as stated before, as we do not want to see this taking place on TLRN.

Following the submission of a travel plan, Tfl made the following further observations:

I have reviewed the Travel Plan and additional material contained therein which draws on information from the applicants other nursery located at 32 Bromley Road. Based on this, and previous correspondence from TfL and LB Lewisham's highway officer I make the following comments:

- A plan showing the positioning of parked cars within the front garden has been provided within Appendix I of the Travel Plan demonstrating that the stated 8 cars could be accommodated on site. This plan does not provide vehicle tracking to establish if this is actually feasible and my initial reaction is that it is highly unlikely that the proposed configuration could be achieved in a real world situation. It would constant monitoring and direction of parents into particular spaces and require a high number of different movements as well as reversing back out onto the TLRN. This plan again reinforces the need for a well considered Travel Plan to ensuring issues around vehicle queuing and congestion on Bromley Road is avoided.
- The Travel Plan sets a target to reduce travel via private vehicles by 10% over 5 years, this equates to approximately 1 vehicle during the peak drop-off/ pick-up periods. In light of the issues identified above, TfL would expect a more ambitious target (and more robust measures as discussed below) for reducing trips via private vehicles.
- TfL would expect that the marked parking space on-site is limited to use by blue badge holders only. For the purposes of the Travel Plan this would be considered a relevant measure to help disincentivise private vehicle trips by staff (excluding those with a blue badge permit).
- The majority of the initiatives and measures set out within Section 6 of the Travel Plan are considered weak and in some cases do not commit to actually doing anything that would support even the modest targets that have been set. TfL's guidance on Travel Plans requires that they use definite wording that commits to implement a proposed measure. Measures proposed included phrases like "consider", "could" or "may" which read as if the applicant is actually committing to nothing. Examples of more committed measures to promote mode shifts away from private vehicle use by both staff and parents/students that would be appropriate in this instance include:
 - Holding regular walking events (e.g. once per term) such as led walks at lunchtime or after work, and pedometer challenges;
 - A local recruitment strategy and incentives for staff to relocate closer to work;
 - Public transport travel subsidy (eg season ticket loan, Oyster card top up, pre-loaded Oyster card).

I hope you find these comments useful. Please feel free to contact me if you would like me to explain anything or to discuss these matters further.

Responses from Internal Consultees

Highways and Transportation

4.8 As discussed, I have reviewed the Highways Technical Note submitted in support of the application for a nursery at 46 Bromley Road and based on the information provided with the application the proposal is objectionable for the following reasons:-

- The proposed change of use would result in an increase in parking demand when compared to the existing residential use and the number of car trips associated with the proposed nursery use can't be comfortably accommodated within the site or within the surrounding streets adjacent to the site.
- Section 2.11 of the Highways Technical Note states that 15 car drop off trips will arrive at the site in the morning peak (between 8 – 9) and Section 2.12 states that this will equate to a vehicle arrival every 4 minutes. Section 2.12 also states that a vehicle could dwell in the site for up to 10 minutes. So, the proposed use could result in vehicles queuing back onto Bromley Road or could cause significant congestion within the site during the morning peak, particularly as there is the potential for more than 3 vehicles to arrive at the site at same time.
- The parking survey data provided within the Highways Note (Section 3.5) demonstrates there are no available parking spaces available to accommodate the parking demand generated the proposed use. The Parking survey observed parking stress in excess of 100% in the morning peak (between 8 – 9) in the streets surrounding the site, so car drop off trips wouldn't have anywhere else to park in the vicinity of the site if the drop off area in the front garden was full.
- Section 2.11 of the Highways Note states that the nursery can accommodate 8 cars at any one time but he applicant hasn't demonstrated this in any of the drawings submitted with the planning application.
- The applicant hasn't provided swept path analysis to illustrate the vehicle movements within the site and to demonstrate that a safe pedestrian route will be provided through the front garden while drop off activates take place.
- The applicant hasn't provided details of how the front garden will be managed so it is clear of informal parking. As, informal parking will result in vehicles undertaking reversing movements to access/egress the site, either onto a red route road or within the front garden while pedestrians are accessing the site, which would increase the potential for conflict. Section 3.7 of the Highways Technical Note states that staff will assist the pick-up and drop-off process, exerting an element of control over vehicles arriving and departing the site to

ensure that the potential for risks to pedestrian safety within the site remains negligible. But, the technical note doesn't provide details of how the drop off process will be controlled.

- Given the issues associated with car drop off trips to the site, a Travel Plan should be provided that sets out measures to minimise the number of vehicle trips to the site and s to encourage sustainable travel to the site.. However Section 2.11 of the Highways Note states it is considered that a Travel Plan is unnecessary for this development.
- The impact of Staff car parking hasn't been adequately considered. Section 9 of the Design & Access Statement states that no parking will be available for staff at the application site, but it also dates that staff will be able to park at 32 Bromley Road, how much parking is available at 32 Bromley Road?
- The Planning Statement submitted with the planning application make multiple references to nursery making provision for children with special educational needs and the provision of disabled drop off. This provision would change the nature of the current planning application because it could result in more drop off trips by car, longer dwell times during the drop off process and greater space requirements within the front garden. Yet, the Highways Technical Note makes no reference to this provision.

Environmental Health Officer

- 4.9 It is a detached premises so there isn't going to be transfer of sound across any party wall. The only aspect where noise impact could happen is in the garden area. They've indicated that this will be used to provide an ecological training environment. They've also indicated that children will always be supervised during their time in the garden area. I don't think there is much more that can be asked for.

5.0 Policy Context

Introduction

- 5.1 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.

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)

5.2 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

5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, 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. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans 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)'.

5.4 Officers have reviewed the Core Strategy 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.

Other National Guidance

5.5 The other relevant national guidance is:

On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

London Plan 2015 (as amended)

5.6 The London Plan policies relevant to this application are:

- Policy 3.16 Protection and enhancement of social infrastructure

- Policy 3.18 Education facilities
- Policy 3.3 Increasing housing supply
- Policy 3.9 Mixed and balanced communities
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.13 Parking
- Policy 7.2 An inclusive environment
- Policy 7.4 Local character
- Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.

Lewisham Core Strategy (2011)

The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Development Management Local Plan and the London Plan is the borough's statutory development plan. 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 8: Sustainable design and construction and energy efficiency
- Core Strategy Policy 14 Sustainable movement and transport
- Core Strategy Policy 15: High quality design for Lewisham
- Core Strategy Policy 19 Provision and maintenance of community and recreational facilities

Development Management Local Plan (2014)

The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. 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 2 Prevention of loss of existing housing
- DM Policy 22 Sustainable design and construction
- DM Policy 26 Noise and vibration
- DM Policy 29 Car parking
- DM Policy 30 Urban design and local character
- DM Policy 31 Extensions and alterations to existing buildings
- DM Policy 42 Nurseries and childcare

London Plan Supplementary Planning Guidance (SPG)

- 5.7 The London Plan SPG's relevant to this application are:
Shaping Neighbourhoods: Play and Informal Recreation (2012)

6.0 Planning Considerations

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

- a) Principle of Development
- b) Noise and Disturbance
- c) Highways and Traffic Issues

6.2 (a) **Principle of development**

- 6.3 This application involves the loss of the existing single family dwelling house and the change of use to a nursery. The principle of development is established in DM Policy 2 'Prevention of loss of existing housing' and DM Policy 42 'Nurseries and childcare' of the Development Management Local Plan (November 2012). DM Policy 2 states that:

1. The Council will only grant planning permission for the loss of housing by demolition, redevelopment or change of use in the following circumstances:

- a) the proposed redevelopment would result in housing gain which regenerate and replace older housing estates in line with an agreed plan or strategy
- b) the land or premises are allocated for another use in an adopted Local Plan
- c) a change of use to a local community service or facility is proposed that meets an identified need
- d) an economic viability study confirms that the dwelling(s) cannot be rehabilitated to a satisfactory standard at reasonable cost
- e) evidence shows that environmental problems are such that demolition and redevelopment is the only effective option.

DM Policy 42 states that:

1. The Council will require applicants for day nurseries and facilities for the care, recreation and education of children to consider:

- a) the acceptability of the loss of the existing use
- b) traffic volumes and the effect on congestion
- c) accessibility by walking, cycling and public transport

- d) access, egress, cross-site movement and parking / drop off areas, including for disabled users
 - e) the impact on local residential amenity, including noise
 - f) the need for suitable space for outside play areas.
- 6.4 In order to assess the acceptability of the principle of development, the principle of the loss of the existing single family dwelling must be addressed and a need for the proposed nursery with the Rushey Green ward identified, in line with DM Policy 2 paragraph (c) and DM Policy 42 paragraph (a).
- 6.5 Lewisham Council 'Childcare Sufficiency Assessment and Plans for Extended Entitlement' (2016) states that *"with plans for an extended early education entitlement for eligible children aged 3 and 4 years from September 2017, Rushey Green, Lewisham Central, Forest Hill, Evelyn, New Cross and Perry Vale wards will have greater total numbers of children eligible for these places."* As a result, there will be greater requirements in these wards for *'more flexible early education to meet the needs of working families.'*
- 6.6 As a result of the above, the principle of the proposed change of use is considered to meet the requirements of DM Policy 2 paragraph (c) which provides that planning permission will only be granted where 'a change of use to a local community service or facility is proposed that meets an identified need' and DM Policy 42 paragraph (a). Furthermore in support of the principle, a recent appeal decision at 59 Daneby Road where an appeal against the Council's refusal of planning permission for a change of use of a dwelling house to a nursery in SE6 was upheld, confirmed that up to date 'Childcare gap analysis' were a material consideration in assessing and understanding demand for additional day nursery provision in the area and therefore supporting such proposals in light of DM Policies 2 and 42.
- 6.7 The principle of the proposed change of use is therefore acceptable.

b) Noise and Disturbance

- 6.8 With regard to noise and disturbance from the use of the premises, the main concern would be through the transmission of noise internally through the building, noise from parents dropping off and picking up of children (and all such associated noise), and noise generated from use of the rear garden for play.
- 6.9 The building is substantial in size and detached from its neighbours therefore there is no issues of internal noise or vibration transmission. With regard to comings and goings, the site is located on a main road with significantly high ambient noise levels, vehicular and pedestrian traffic movement in this area close to the town centre. It is not considered that the movement and activity associated with comings and goings would have a significant impact given the backdrop to the sites location.

- 6.10 With regard to use of the rear garden, the Environmental Health Protection officer is satisfied that the level of supervision during play times would be sufficient to mitigate noise from children's play that could be detrimental to nearby residential amenity. Furthermore, the operation of the applicants other site at 32 Bromley Road has not resulted in any complaints from noise nuisance to the Council. The hours of use of the property, as well as play time and levels of supervision could be conditioned if the application were considered to be acceptable to ensure that the operation of the use was appropriate in its setting. In this respect the use of the premises in terms of noise and activity is considered to be acceptable.

c) Highways and Traffic Issues

- 6.11 The Councils concern with the application is based on the highway issues raised by the proposal and the adequacy or otherwise of the applicants to address those concerns.
- 6.12 In this respect the comments of TfL and the Councils highways officers has been set out in full to address the various highway factors. The concerns are based on three elements:
- Impact on the public transport network (Red route) which runs adjacent to the site along Bromley Road.

The applicant has not demonstrated to the satisfaction of TfL and the Councils highways officer that the proposed off street drop off arrangements (car stacking and queuing within the site) could operate without the potential for vehicles to back up into Bromley Road, cause congestion and as a consequence and impact on the free flow of public transport and vehicular flow in general. The applicant has stated that they have experienced no traffic and parking issues at their current site at 32 Bromley Road which accommodates 50 children on a semidetached property. It should also be noted that the proposal includes for children with special needs who may have varying travel and pick up/ drop off requirements and this has not been accommodated in their proposals

- 6.13 The applicants own parking assessment indicates that there is no parking availability in surrounding streets between 8 and 9.am. TfL and the Councils highways officer detail this as a significant concern with a consequent impact on parking and drop of choices at that time.
- 6.14 The applicants Travel Plan is not considered to be robust enough to mitigate concerns and the TfL officer has concerns of meeting even modest guidance requirements. Significant concerns are therefore raised as to the quality and substance of the report.

7.0 Conclusion

7.1 The principle of the proposal in terms of the change of use of the property from residential to D1 Nursery is considered acceptable. The proposal would meet an identified and demonstrated demand for nursery places in the area. However, the proposal is unsatisfactory in highway terms and fails to provide a satisfactory travel plan. In this respect the proposal is likely to have a detrimental impact on the operation of the Public Transport Network and the free flow of traffic along this side of Bromley Road. Furthermore, due to the lack of parking in the surrounding streets, the scale of the proposal due to the number of children to be accommodated could result in further parking stress, congestion, noise and nuisance from vehicles attempting to find limited parking opportunities in the area. This application has been considered in the light of policies set out in the development plan and other material considerations.

7.2

RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reasons:

1), The proposal fails to demonstrate satisfactory drop off and pick up arrangements within the site to ensure appropriate parking and queuing arrangements, having regard also to pedestrian safety within and immediately outside the site. As a consequence the proposal is likely to result in congestion on the public highway to the detriment of the public transport network (red route) and the free flow of traffic along Bromley Road. The proposal is therefore contrary to policies DM42 (b) and (d) of the Development Management Local Plan 2014.

2) The proposal fails to provide a satisfactory Travel Plan to demonstrate mitigation measures against the likely car use for drop off and pick up from the site, nor does it propose robust and committed measures to promote sustainable transport and mode shifts away from private vehicle use by staff and parents when considered against Transport for London guidelines. The proposal is therefore contrary to Policy 6.3 Assessing effects development on travel capacity and policy DM42 (b) and (d) of the Development Management Local Plan 2014.

46 Bromley Road, SE6 Site Map



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Committee	PLANNING COMMITTEE A	
Report Title	4A CLARENDON RISE, LONDON, SE13 5ES	
Ward	LEWISHAM CENTRAL	
Contributors	Russell Brown	
Class	PART 1	11th May 2017

<u>Reg. Nos.</u>	DC/16/098621
<u>Application dated</u>	04.10.2016
<u>Applicant</u>	Sivan Covil Trust
<u>Proposal</u>	A retrospective application for the installation of an extraction and ventilation system with two flues to replace the existing at 4a Clarendon Rise, SE13.
<u>Applicant's Plan Nos.</u>	KND/10/16/315; KND/ 10/ 16/ 315A; KND/ 10/ 16/ 315B; KND/ 10/ 16/ 315B; KND/ 10/ 16/ 315D; KND/ 10/ 16/ 315E; KND/ 10/ 16/ 315F; Noise Impact Assessment Received 21st October 2016 Design & Access Method Statement Received 3rd November 2016 Kitchen Extract Fan Acoustic Commissioning; Kitchen Extract Odour Comments Received 15th December 2016 Incense Fan Noise Measurements Received 6th March 2017
<u>Background Papers</u>	(1) Case File LE/735/4A/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) London Plan (March 2015, furthered altered in March 2016)
<u>Designation</u>	Area of Archaeological Priority PTAL 6b Flood Risk Zones 2 and 3 Local Open Space Deficiency Major District Centre Adjacent/Affecting Conservation Area
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application site is located on the west side of Clarendon Rise, just to the south of the River Quaqy and the junction with Lee High Road (A20).

- 1.2 The site incorporates the main temple building, built post 2008, a two storey plus roofspace building attached to the south west side of the temple and three other two storey buildings, a gabled industrial unit, a warehouse building and a flat roofed structure containing a kitchen on the ground floor and staff facilities including an admin office upstairs. All three are accessed via the shared gated entrance on Clarendon Rise and this application relates to the latter.
- 1.3 The application building is located in the south west corner of the site and features a ventilation system and two flues, which were upgraded in late 2016 following neighbour complaints. However, this building is not subject to the planning conditions that relate to the main temple building in respect of noise, hours of use (between 07:30 and 21.30) and cooking (only the preparation of food related to offerings).
- 1.4 The site has been in use as a place of worship (Use Class D1) since the 1990s and forms part of the London Sivan Centre, owned by the London Sivan Kovil Trust, who also use the adjacent two storey building, Riverside House at 12a Lee High Road, as a cultural / community centre. The surrounds are otherwise largely commercial in nature with some residential flats on the floors above.
- 1.5 The site is adjacent to the Mercia Grove Conservation Area, not subject to an Article 4 direction, nor is it a listed building or within the vicinity of any. It is in a Major District Centre (Lewisham), an Area of Archaeological Priority, Flood Risk Zones 2 and 3 and has a PTAL rating of 6b.

2.0 Relevant Planning History

- 2.1 Planning permission was **granted** on 6th April 1994 for Alterations and the change of use of part of 4A Clarendon Rise SE13 for street trader's storage.
- 2.2 Planning permission was **granted** on 8th September 1994 for alterations and the change of use of part of 4A Clarendon Rise SE13 to a place of worship, together with the retention of a single storey porch link.
- 2.3 Planning permission was **granted** on 8th February 1996 for the continued use of part of 4A Clarendon Rise SE13 as a place of worship.
- 2.4 Planning permission was **granted** on 21st September 1998 for the continued use of part of 4A Clarendon Rise SE13 as a place of worship.
- 2.5 DC/05/59034/FT: The construction of a new glazed timber framed lobby to the front of 4a, Clarendon Rise SE13, together with a pitched roof to part of the existing temple. **Granted and implemented.**
- 2.6 DC/06/61499/X: The demolition of the front entrance lobby at the temple building at 4a Clarendon Rise, SE13 and the construction of an extension to the western end of the building, alterations to the elevations, the alteration to the roof profile of the northern temple building (increase to the ridge height and an extension to create a gable end) and the creation of an entrance in the elevation to Clarendon Rise. **Granted.**

- 2.7 DC/08/67975/X: The demolition of existing single storey lobby structures and existing warehouse building (in use as a temple) at 4a Clarendon Rise SE13 and construction of a larger building to be used as a temple. **Granted.**
- 2.8 DC/09/71358/X: The demolition of the existing single storey lobby structures and warehouse building (in use as a temple) at 4a Clarendon Rise SE13 and construction of a larger building with elevational detailing, to be used as a temple. **Granted.**
- 2.9 DC/09/72244/X: The demolition of the existing single storey lobby structures and warehouse building at 4a Clarendon Rise SE13 and construction of a larger building with elevational detailing, incorporating a first floor extension with Juliette balcony to the rear (west) elevation for use as a temple. **Granted and implemented.**
- 2.10 DC/09/73080/X: The installation of an extract flue to the side elevation and internal alterations to the toilets and kitchen areas of 4a Clarendon Rise SE13.
- 2.11 Refused for the following reasons:
1. The installation of the extraction flue by reason of its height, design, close proximity and siting to adjacent dwellings in Mercia Grove would not be compatible with the character and setting of the surrounding development within the immediately adjacent Mercia Grove Conservation Area. It would therefore represent an inappropriate and visually obtrusive development detrimental to the character and visual amenities of the locality contrary to Policy 15 High quality design for Lewisham, and Policy 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011), Policies URB 3 Urban Design, URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas and HSG 4 Residential Amenity in the adopted Unitary Development Plan (2004).
 2. The installation of the extraction flue lacks adequate means of ventilation to deal with cooking odours and as such the installation would be detrimental to the residential amenities of neighbouring residential properties in Mercia Grove by reason of adverse smell and noise effects, contrary to Policy ENV.PRO 9 Potentially Polluting Uses and Policy ENV.PRO 11 Noise Generating Development in the adopted Unitary Development Plan (2004).

3.0 Current Planning Application

- 3.1 Retrospective planning permission is sought for the installation of an extraction and ventilation system with two flues situated 3m from the roof's southern edge. The pre-existing situation (i.e. before 2012) was the location of one flue to the southern part of the flat roof close to the rear gardens of 5 and 6 Mercia Grove.
- 3.2 Given that the Noise Impact Assessment dated 18th October 2016 identified that the installed system would create noise levels of 57dB, which is 13dB above the background noise, the applicant sought to reduce vibration and noise levels by installing the following:
- Pleated panel filters
 - An Intrepid Energy Saver M7 Panel Filter
 - Metal Cased Carbon Filter
 - The O.N 100 ODOUR Neutraliser with the ESP 3000 E Pre-filtration unit

- 3.3 The latter was the only element that required an external change to the visual appearance of the equipment on the roof.
- 3.4 The equipment serves a kitchen that provides 100% vegetarian food (cooked rice and vegetable soup, sometimes vegetable curries served with rice so predominantly water-based cooking) free of charge to approximately 40 devotees of the temple from Mondays through to Thursdays and up to 100 on Fridays, Saturdays and Sundays. Sweet rice is also cooked and served during lunchtime and evenings. No external hot food is allowed to be brought in.

4.0 Consultation

- 4.1 No pre-application advice was sought, although conversations were had with the planning enforcement team as to whether planning permission was required. However, negotiations were also had with the Council's Environmental Health service in terms of the details and standard of the flue, noise and emissions.
- 4.2 The Council's consultation met the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.3 A site notice was displayed and letters were sent to 14 adjoining residents, Lewisham Central Ward Councillors and the Council's Environmental Health Department.

Written Responses received from Local Residents

- 4.4 Four objections were received from local residents, raising the following concerns:
- The size, design and position of the ducting close to the rear gardens of Mercia Grove is intrusive, and its size adds to the cooking smell.
 - The smell of cooking pervades rear gardens
 - The fans are incredibly noisy and operate as early as 05:00 and as late as 00:00 and beyond, contrary to a condition.
 - Planning permission was not sought for the installation of vents in the boundary walls of the rear gardens on Mercia Grove.
 - The applicants do what they like, have shown complete disregard for their neighbours, planning rules and the Council, and refusal of planning permissions have not been enforced in the past.
 - The ventilation systems are ugly to look at, visually intrusive and are not at all in keeping with the Conservation Area.
 - An objection is raised to the running of an industrial kitchen so close to back gardens, particularly in the summer when windows also have to be kept closed.
 - The kitchen should be closed immediately and moved to a more appropriate site with planning permission away from the Temple. The associated extraction equipment should be removed and disposed of.
 - The reasons given for the refusal of DC/09/73080/X are still relevant to this new application, regardless of the fact that they are slightly different systems.
 - Conditions were added to the approval of DC/08/67975/X for the redevelopment of the temple building preventing primary cooking using raw ingredients and restricting the use of the building for any other purpose than that which falls under Use Class D1. The applicants, by their own admission, are in breach of these conditions.

- The changes proposed to be made to the ventilation systems do not mitigate against the fact that they should not be there in the first place as they do not benefit from planning permission.
- The assertions made in the Design and Access Method Statement are questionable and inaccurate.
- The temple is also used as residential accommodation.

4.5 Of the issues raised, only those related to the current planning application are relevant planning considerations.

4.6 Environmental Health

In terms of noise have stated the operation of the flue satisfied British Standards BS 4142. With respect to odour nuisance the submitted information does indicate, that given the type of cooking and the scale of cooking that the system and mitigation added should be sufficient.

5.0 Policy Context

Introduction

5.1 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.

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).

5.2 Section 38(6) of the Planning 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, Development Plan Document (DPD) (adopted in June 2011), DMLP (adopted in November 2014) and policies in the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states that (paragraph 211) policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect.

This states in part that ‘...due weight should be given to relevant policies in existing plans 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)’.

- 5.4 Officers have reviewed the Core Strategy 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.

Other National Guidance

- 5.5 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

London Plan 2015 (amended 2016)

- 5.6 On 10 March 2015 the London Plan (further altered in March 2016) as adopted. The policies relevant to this application are:

Policy 2.13 Opportunity Areas and Intensification Areas

Policy 2.15 Town centres

Policy 3.1 Ensuring equal life chances for all

Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment provision

Policy 7.15 Reducing noise and enhancing soundscapes

Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together the Development Management Local Plan and the London Plan is the borough's statutory development plan. 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 15 High quality design for Lewisham

Core Strategy Policy 19 Provision and maintenance of community and recreational facilities

Development Management Plan

- 5.8 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Core Strategy and the London Plan is the borough's statutory development plan. The following policies are relevant to this application:-

DM Policy 1 Presumption in favour of sustainable development

DM Policy 26 Noise and vibration

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

6.0 Planning Considerations

- 6.1 The relevant planning considerations are the principle of development, design, the impact on the property and the character and appearance of the surrounding area as well as to the amenities of neighbouring residents, particularly noise and odour.

Principle of development

- 6.2 London Plan Policy 2.13 designates Lewisham, Catford and New Cross as Opportunity and Intensification Areas.
- 6.3 London Plan Policy 2.15 designates Lewisham as a Major Centre.
- 6.4 London Plan Policy 3.1 states that development proposals should protect and enhance facilities and services that meet the needs of particular groups and communities.
- 6.5 London Plan Policy 4.6 states that boroughs should support the continued success of London's diverse range of arts, cultural, professional sporting and entertainment enterprises and the cultural, social and economic benefits that they offer to its residents, workers and visitors.
- 6.6 Core Strategy Policy 19 states that the Council will work with its partners to ensure a range of health, education, policing, community, leisure, arts, cultural, entertainment, sports and recreational facilities and services are protected across the borough.
- 6.7 The principle of replacing the existing unfit-for-purpose ventilation and extraction equipment is considered acceptable. The building to which this application relates is associated with the temple given the associated activities which take place within, but is not subject to the same restrictive planning conditions, including those that relate to the primary cooking and the hours of use. However, it does retain its historic B1 or B2 use, at which time it had cooking facilities.
- 6.8 Officers also note that the condition restricting the place of worship use with ancillary storeroom, food preparation room and lobby relates only to the temple and any food preparation within the temple takes place at the front (Clarendon Rise) end of the building, and is mostly limited to fresh fruit.
- 6.9 As such, and given that the cooking is limited to rice and vegetarian food (no fish, meat or eggs) solely for the consumption of the temple attendees, then it is considered that permitting replacement ventilation and extraction equipment would not, as a consequence, approve a change of use to this building by default.
- 6.10 Therefore, the principle of development is acceptable subject to the equipment's impact on the building, surrounding area and residential amenity.

Design

- 6.11 Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which optimises the

potential of sites and is sensitive to the local context and responds to local character. Any adverse impact on neighbouring amenity, conservation areas and designated and non-designated heritage assets, biodiversity or open space will need to be addressed.

- 6.12 DM Policy 30 states that the Council will require all development proposals to attain a high standard of design, including alterations to existing buildings. An adequate response to the following detailed matters will be required in planning applications to demonstrate the required site specific design response:
- the creation of a positive relationship to the existing townscape to preserve an urban form which contributes to local distinctiveness such as building features and uses, roofscape, open space and views, taking all available opportunities for enhancement; and
 - the quality and durability of building materials and their sensitive use in relation to the context of the development. Materials used should be high quality and either match or complement existing development.
- 6.13 DM Policy 31 states that development proposals for alterations and extensions will be required to be of a high, site specific, and sensitive design quality, and respect and / or complement the form, setting, period and detailing of the original buildings, including external features. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context. In addition, where it is necessary:
- details of plant, pipework and other mechanical equipment including ducts and flues should be included within the initial planning application and be enclosed within the envelope of the building or, where that is impracticable, sited where they will have the least visual impact.
- 6.14 The extraction duct is of utilitarian design and replaces an older existing duct. It is of similar design to other extraction ducts and although external to the building, can only be seen from adjoining rear gardens and the rear of nearby commercial buildings. In this respect, the context in which the flue is located is the rear of buildings which form part of Lewisham Town Centre and is one of a number of buildings which contains flues which are located to their rear. The applicants have sought to reduce its visual presence, which was one of the reasons for refusal of the previous scheme, by placing the vertical elements further from back gardens. Notwithstanding, it is considered appropriate that its visual impact is further mitigated by being painted matt black, and the application is conditioned to that effect.
- 6.15 Whilst Officers appreciate that the roof of this building and thereby the ducting, is visible from the adjoining Conservation Area, it is not considered that the increase in equipment, has a negative impact on the character and appearance of the adjoining heritage assets.
- 6.16 In addition, this building, like the other commercial buildings on site, is not of any architectural interest or importance such that its appearance is compromised by the provision of additional ventilation and extraction equipment. As stated previously, the development needs to be considered in its context which the rear of commercial properties which form part of the Lewisham Town Centre and a major shopping area. Understandably there is a balancing/judgement to be carried out given the design implications of the juxtaposition of commercial properties to residential/conservation area. Given the revised design and

mitigation in terms of finished treatment proposed, this application is considered to be acceptable in design terms.

Impact on the amenity of neighbouring occupiers, including noise and odour

- 6.17 London Plan Policy 7.15 states that development proposals should seek to manage noise by:
- a. avoiding significant adverse noise impacts on health and quality of life as a result of new development;
 - b. mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens on existing businesses;
 - c. improving and enhancing the acoustic environment and promoting appropriate soundscapes (including Quiet Areas and spaces of relative tranquillity);
 - d. separating new noise sensitive development from major noise sources (such as road, rail, air transport and some types of industrial development) through the use of distance, screening or internal layout – in preference to sole reliance on sound insulation;
 - e. where it is not possible to achieve separation of noise sensitive development and noise sources, without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through the application of good acoustic design principles;
 - f. having particular regard to the impact of aviation noise on noise sensitive development;
 - g. promoting new technologies and improved practices to reduce noise at source and on the transmission path from source to receiver.
- 6.18 DM Policy 26 Noise and vibration states that the Council will require a Noise and Vibration Assessment for noise generating equipment, where appropriate, to identify issues and attenuation measures, prepared by a qualified acoustician. Where development is permitted, conditions may be attached to the planning permission to ensure noise insulation or other mitigation measures are undertaken.
- 6.19 There would be no physical impact on the amenities of neighbouring properties from the flue, and any visual impact could be mitigated by painting as discussed above.
- 6.20 However, it is recognised that extraction flues can give rise to noise and odour impact if not designed and attenuated appropriately. There are residential occupiers on all sides of the site, although those to the north are separated by the River Quaqy, those to the west by no. 12a and over 25m away, and those to the east by Clarendon Rise and at least 26m distanced; those dwellings to the south on Mercia Grove are the closest. The rear walls of these properties are at least 17m away, although Officers acknowledge that that their rear gardens of 14m or 15m in depth are bounded by the south side of the application building.
- 6.21 The technical information submitted by the applicant (full details of which are in the Current Planning Application section and has been assessed by the Councils environmental health noise officers) demonstrate that the noise levels generated by the equipment (43dB) is 1dBA below the ambient background noise level of 44dB and as such unlikely to cause a nuisance.

- 6.22 British Standard BS4142 states: “Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context”. However, this is caveated by the need for the equipment to be turned off before 22:00 as not to cause any disturbance. In this respect officers recommend that a condition be added to limit the hours of operation to 21.00 which is half hour before the closing times of the temple (07:30 - 21.30).
- 6.23 For completeness the technical report also considers a further second vent, unconnected to the kitchen extract ducts, which enables the venting of incense. Officers concur with the submitted report, which has shown that any impact would be negligible.
- 6.24 Complaints submitted in relation to the application state that cooking odour is a nuisance. Several visits to the site by officers have not identified any undue odour concerns. The extraction ducts are designed with odour mitigating controls. In addition, it is to be noted the temple does not carry out deep fat frying or cooking. The menu comprises vegetable based meals prepared by boiling, soups and curried sauces. In this respect it is not considered that a significant odour issue is/would occur from this building. It is also noted that there are several other restaurants to the west and north of the site, albeit at a greater distance, which would cook foods considered to have a high odour risk (frying and grilling of heavily spiced foods), which may have been the source of any odours prior to the kitchen extract system being turned on.
- 6.25 Therefore, the proposal is considered to be acceptable having regard to impacts on neighbouring amenity.

7.0 Equalities Considerations

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 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: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

- 7.5 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

- 7.6 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: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

- 7.7 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.

8.0 Conclusion

- 8.1 Officers have considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011), London Plan 2015 (as amended) and the National Planning Policy Framework (2012).

- 8.2 It is considered that the installation of new ventilation and extraction equipment would be acceptable in principle and would not result in significant harm being caused to the building, the surrounds or to the amenities of neighbours.

9.0 RECOMMENDATION: GRANT PLANNING PERMISSION subject to the following conditions:

- 1) The development shall be retained strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

KND/10/16/315; KND/ 10/ 16/ 315A; KND/ 10/ 16/ 315B; KND/ 10/ 16/ 315B;
KND/ 10/ 16/ 315D; KND/ 10/ 16/ 315E; KND/ 10/ 16/ 315F; Noise Impact
Assessment Received 21st October 2016

Design & Access Method Statement Received 3rd November 2016

Kitchen Extract Fan Acoustic Commissioning; Kitchen Extract Odour Comments Received 15th December 2016

Incense Fan Noise Measurements Received 6th March 2017

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

2) (a) The ventilation and extraction equipment shall be painted in black (RAL code 9005) with a matt finish.

(b) The scheme shall be retained in perpetuity in accordance with those details as approved.

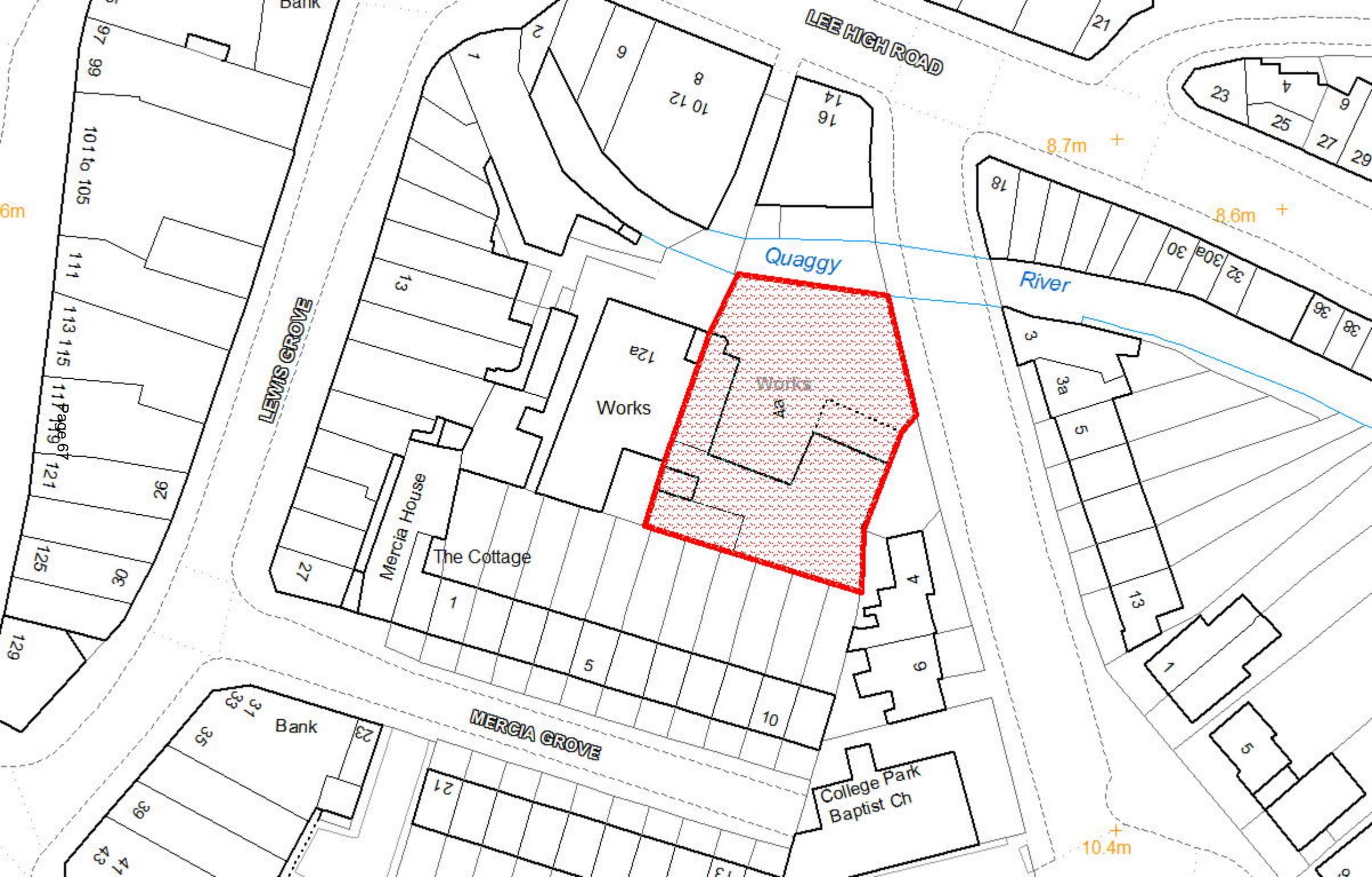
Reason: To ensure that the development achieves the necessary high standard and detailing so that local planning authority may be satisfied as to the external appearance of the ventilation and extraction equipment and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policies 30 Urban design and local character and 31 Alterations/extensions to existing buildings of the Development Management Local Plan (November 2014).

3) No ventilation or extraction equipment shall be operated on the premises before 07:30 or after 21.00 on any day of the week.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration of the Development Management Local Plan (November 2014).

INFORMATIVES

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.



LEE HIGH ROAD

LEWIS GROVE

MERCIA GROVE

Quaggy

River

Works

Works

The Cottage

Mercia House

College Park Baptist Ch

8.7m +

8.6m +

10.4m +

6m

Bank

97 99

101 to 105

111

113 115

117 119

121

92

125

129

31

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Committee	PLANNING COMMITTEE A	
Report Title	Sergison Cottage	
Ward	Blackheath	
Contributors	John Miller	
Class	PART 1	11 th May 2017

<u>Reg. Nos.</u>	DC/17/101323
<u>Application dated</u>	25 th April 2017
<u>Applicant</u>	Sketch London
<u>Proposal</u>	Details submitted in compliance with condition 3 (Construction Management Plan) of the planning permission DC/15/94940 dated 29/04/2016 for: Application submitted under S.73 of the Town and Country Planning Act 1990 for a Minor-Material Amendment to DC/14/89117 granted on 25/08/2015 for the demolition of Sergison Cottage, Goffers Road SE3 and the construction of a two storey four bedroom dwelling house, in order to allow for a basement beneath the approved dwelling with skylights set into the ground to the front and south eastern flank elevation
<u>Applicant's Plan Nos.</u>	Construction Management Plan, Addendum 1
<u>Background Papers</u>	(1) Case File LE/212/A/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Blackheath Conservation Area

1.0. Property/Site Description

- 1.1. The application site is located to the north east of Goffers Road, bound by Talbot Place to the north, Duke Humphreys Road and Blackheath Vale to the south and comprises a single storey (with roof accommodation) detached Victorian building, set to the rear of the site adjacent to Blackheath Vale.
- 1.2. The property is set within a central location visible from across the Heath and is within the Blackheath Conservation Area. The adjacent properties, South East House, Golf House and The Coach House are all Grade II listed. All Saints primary school, accessed via Blackheath Vale, shares a boundary with the application site, set below in the original quarry.

2.0 Planning History

- 2.1 DC/14/89117: Demolition of Sergison Cottage and the construction of a two-storey four bedroom dwellinghouse – approved 25/08/2015.
- 2.2 DC/15/94980: Application under s73 of the Town and Country Planning Act 1990 for a Minor-Material Amendment to DC/14/89117 granted on the 25/08/2015 in order to allow for a basement beneath the approved dwelling with skylights set into the ground to the front and south eastern flank elevation – approved 29/10/2016.

- 2.3 Members at Planning Committee A in the determination of DC/15/94980 requested that conditions attached to both decisions be presented to Planning Committee for approval.
- 2.4 DC/16/98931: Details submitted in compliance of condition 3 (construction management plan) of the planning permission DC/14/89117 – withdrawn.
- 2.5 DC/16/98935: Application submitted under Section 96a of the Town and Country Planning Act 1990 for a non-material amendment in connection with the planning permission DC/15/94940 in order to re-word condition 16 to allow for excavation works of the basement during term time with a 3m exclusion zone – withdrawn.
- 2.6 DC/17/100103: Details submitted in compliance of condition 3 (construction management plan) of the planning permission DC/15/94940 – Refused by Planning Committee A, 30/03/2017.
- 2.7 DC/17/100099: Details submitted in compliance of condition 3 (construction management plan) of the planning permission DC/14/89117 – Approved by Planning Committee A, 30/03/2017.
- 2.8 DC/17/10775: An application submitted under Section 96a of the Town and Country Planning Act 1990 for a Non-material amendment in connection with the Planning Permission DC/15/94940 granted 29/04/2016 for a minor material amendment to permission DC/14/89117 granted on 28/08/2015 for the demolition of Sergison Cottage, Goffers Road SE3 and the construction of a two storey four bedroom dwelling house in order to allow for: A re-wording of condition 16 in order to allow excavation works of the basement during term times of All Saints School with the exception of a 3m exclusion zone. The condition would read as follows: *No Works of excavation in connection with the approved basement shall take place within a 3-metre exclusion zone during the operation hours of All Saints School as outline in the Construction Management Plan.* Refused by Planning Committee A 30/03/2017.

3.0 Current Planning Applications

The Proposal

- 3.1 The approval of details secured by condition attached to the Planning Permission for the demolition of Sergison Cottage and construction of a new single family dwelling located over three floors including a basement.

The full discharge of condition 3 (construction management plan) is sought for the amended permission, which states the following:

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) *A structural method statement prepared by an appropriately qualified civil or structural engineer, demonstrating how the excavation, demolition and construction work (including temporary propping and other temporary works) are to be carried out whilst safeguarding the structural stability of the adjoining retaining wall*

- e) *Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-*
- *Rationalise travel and traffic routes to and from the site.*
 - *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.*
 - *Measures to deal with safe pedestrian movement.*
- f) *Security Management (to minimise risks to unauthorised personnel).*
- g) *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 (2011).

4.0 Consultation

- 4.1 As this is an application for Approval of Details, there is no requirement for formal consultation. However, Ward Councillors and the Headmistress of All Saints School were informed of the proposals given public interest.
- 4.2 Various Stakeholders including members of the public and parents of pupils at the adjacent All Saints School have commented on the previous proposals saying that they did not believe the CMP has fully addressed the issues at hand with specific reference to a different condition relating to term time digging and excavation, which has been omitted from this submission.
- 4.3 Any comments on the revised proposal will be reported to Committee. The objections to the previous proposal can be found in the report to the previous committee in Appendix A.

5.0 Planning Considerations

- 5.1 The main issue in determining the application is whether the revised details overcome the reason for refusal on the previous application to approve details (ref DC/17/100103), which was refused by Planning Committee A on 30/03/2017 for the following reason:
- Insufficient information has been provided regarding the impact of the works on the retaining wall to demonstrate that there would not be an adverse impact on the well being of children and staff at the adjacent school, contrary to Policy 5.3 'Sustainable design and construction' of the London Plan (2011).*
- 5.2 The current Construction Management Plan, through the revised scheduling of the works details, the omission of the swimming pool from the proposal and the use of a larger piling rig, sets out how the applicant intends to complete all piling and excavation work within the summer holidays of All Saints School in order to address the concerns of the committee regarding excavation work whilst the school is occupied.
- 5.3 The Construction Management Plan recognises that, although it should be possible to complete the excavation works within the six-week break, the timetable has little

contingency should the excavation works take longer than expected. The document therefore gives the details of seven experts who would need to agree if works were to continue into the school term time or if it would be safer to pause the works for a year until the next summer holiday of All Saints School (the CMP states that it would not be practicable for the site to be mobilised for works to take place over one or two week periods during other school holidays in the year).

- 5.4 The CMP no longer includes details of a 3m exclusion zone along the boundary with the retaining wall, as this is not necessary when the works are to take place during the school holidays. Were the works to overrun into term time, and a continuation of the works were deemed the safer option, the CMP details that physical barriers would be placed to separate machinery from the retaining wall.
- 5.5 The revised structural works component of the CMP is considered acceptable and it is hoped that the revised proposals will provide some reassurance to those concerned about the impact of the works. The inclusion of a contingency plan in case works overrun is considered sensible given the tight timeframe of the works. It should be noted that condition 16 restricts term time excavation and so the Council would need to approve any works that extended beyond the school holidays.
- 5.6 The sections of the CMP in relation to dust mitigation measures, the location and operation of plant and wheel washing facilities, practical measures to be employed to mitigate noise and vibration arising out of the construction process, construction traffic movements, the management of the site and training of construction workers were considered acceptable on the previous application. Details are contained in the previous report at appendix A.

6.0 Equalities Considerations

- 6.1 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality. In this matter, there is no impact upon equality.

7.0 Conclusion

- 7.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 7.2 It is considered that the Construction Management Plan submitted is acceptable.

8.0 RECOMMENDATION: Approve the submitted details for condition 3 of planning permission DC/15/94940

Informatives:

A. The applicant is advised that the following conditions remain outstanding:

Pre-Demolition: None

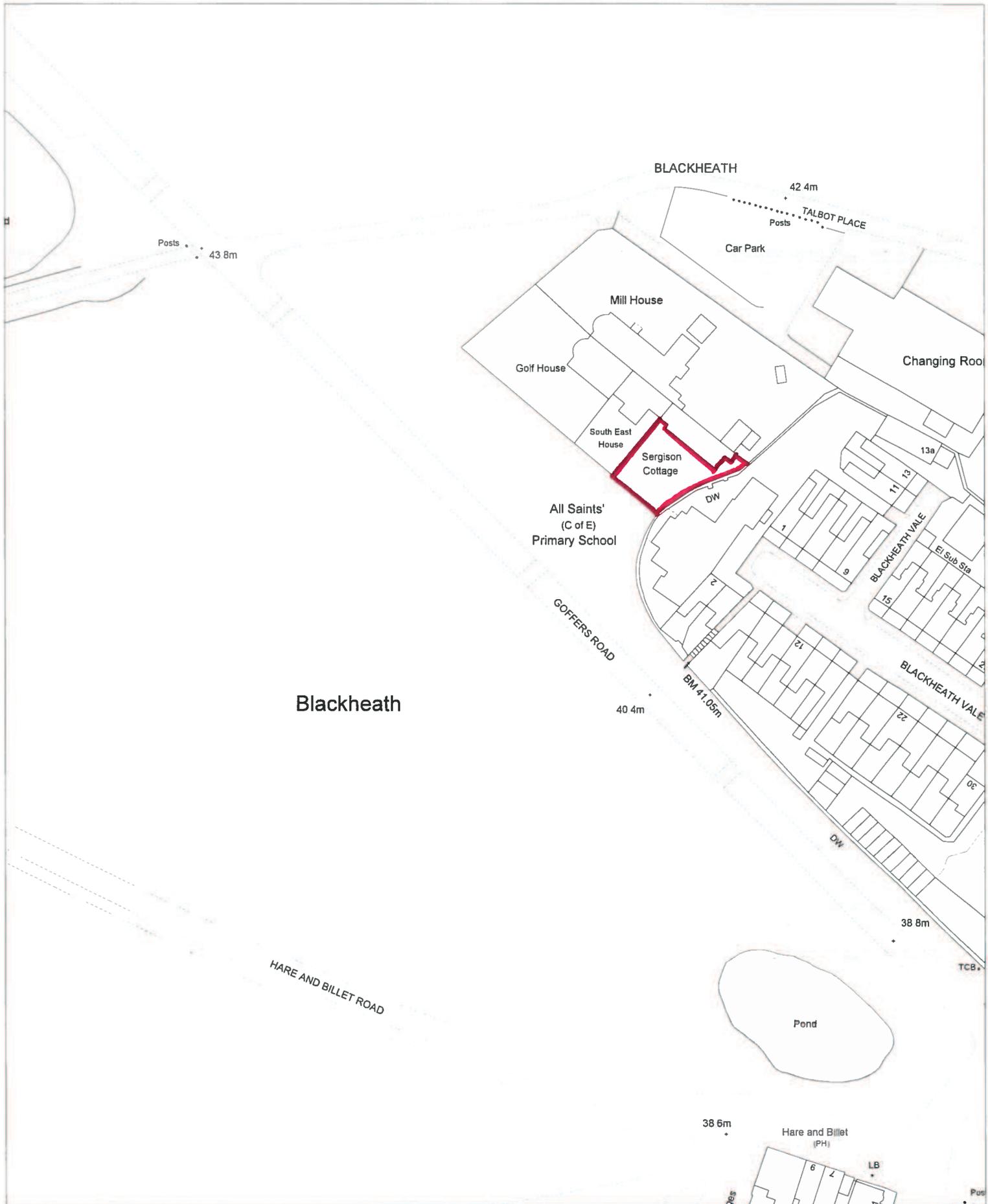
Pre-Commencement: Condition 4 – Junctions, Condition 5- Materials and Finishes.

Prior to occupation/Ongoing: Condition 6 – Landscaping, Condition 7 - Boundary treatment, Condition 8 - Bird/Bat Boxes.

B. Please be advised that the details submitted for this application have been assessed only in relation to the condition as referred to on this application and do not provide acceptance or otherwise pertaining to any other outstanding conditions or subsequent applications.

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Sergison Cottage



Scale:1250

Base on the
Ordnance Survey map
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London, SE6 4RU

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Appendix 1
Sergison Cottage Committee Report
30 March 2017

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Committee	PLANNING COMMITTEE A	
Report Title	Sergison Cottage	
Ward	Blackheath	
Contributors	John Miller	
Class	PART 1	30 th March 2017

Reg. Nos. DC/17/100103

Application dated 7th February 2017 and 21st March 2017

Applicant Sketch London

Proposal 1 DC/17/100103

Details submitted in compliance with condition 3 (Construction Management Plan) of the planning permission DC/15/94940 dated 29/04/2016 for: Application submitted under S.73 of the Town and Country Planning Act 1990 for a Minor-Material Amendment to DC/14/89117 granted on 25/08/2015 for the demolition of Sergison Cottage, Goffers Road SE3 and the construction of a two storey four bedroom dwelling house, in order to allow for a basement beneath the approved dwelling with skylights set into the ground to the front and south eastern flank elevation

Proposal 2 DC/17/100099

Details submitted in compliance with Condition 3 construction management plan of the planning permission DC/14/89117 granted on 25/08/2015 for the demolition of Sergison Cottage, Goffers Road SE3 and the construction of a two storey four bedroom dwelling house.

Proposal 3 DC/17/100775

An application submitted under Section 96a of the Town and Country Planning Act 1990 for a Non-material amendment in connection with the Planning Permission DC/15/94940 granted 29/04/2016 for a minor material amendment to permission DC/14/89117 granted on 28/08/2015 for the demolition of Sergison Cottage, Goffers Road SE3 and the construction of a two storey four bedroom dwelling house in order to allow for: A re-wording of condition 16 in order to allow excavation works of the basement during the hours of operation of All Saints School with the exception of a 3m exclusion zone as outlined in the Construction Management Plan.

Applicant's Plan Nos. DC/17/100103 & DC/17/100099

Construction Management Plan, 5240, Drainage

Layout Sketch plan: 7246, DRAINCO Drainage Engineers: 7246, Existing Site Layout 01, Ground Investigation Report, SK-19-P1, MS500 + MS20 + Channels, 300 Rev /, 301 Rev /, 302 Rev /, 303 Rev /, 200 Rev /, 201 Rev /, 202 Rev /, 203 Rev /, 5240 12 160304, NBS Structural Specification Rev T1, FSL/TOP/SER/003, 5240-01-003 Rev T1, 5240-01-004 Rev T1, 5240-01-005 Rev T1, 5240-01-006 Rev T1, 5240-02-001 Rev T1, 5240-10-001 Rev T1, L(10) 01 Rev /, L(20) 01 Rev /, L(20) 02 Rev /, L(20) 05 Rev /, L(20) 10 Rev T1, L(20) 11 Rev T1, L(20) 12 Rev T1, L(20) 13 Rev T1, L(30) 02 Rev T1, L(30) 09 Rev T1, L(30) 05 Rev T1, L(30) 11 Rev T1, L(40) 01 Rev /, L(40) 02 Rev /, L(40) 05 Rev /

DC/17/100775

Section 96 Application for the Removal or Rewording of Condition 16 Relating to DC/15/094940

Background Papers

- (1) Case File LE/212/A/TP
- (2) Local Development Framework Documents
- (3) The London Plan

Designation

Blackheath Conservation Area

2.0 Property/Site Description

- 2.1 The application site is located to the north east of Goffers Road, bound by Talbot Place to the north, Duke Humphreys Road and Blackheath Vale to the south and comprises a single storey (with roof accommodation) detached Victorian building, set to the rear of the site adjacent to Blackheath Vale.
- 2.2 The property is set within a central location visible from across the Heath and is within the Blackheath Conservation Area. The adjacent properties, South East House, Golf House and The Coach House are all Grade II listed. All Saints primary school, accessed via Blackheath Vale, shares a boundary with the application site, set below in the original quarry.

3.0 Planning History

- 3.1 DC/14/89117: Demolition of Sergison Cottage and the construction of a two-storey four bedroom dwellinghouse – approved 25/08/2015.
- 3.2 DC/15/94980: Application under s73 of the Town and Country Planning Act 1990 for a Minor-Material Amendment to DC/14/89117 granted on the 25/08/2015 in order to allow for a basement beneath the approved dwelling with skylights set into the ground to the front and south eastern flank elevation – approved 29/10/2016.
- 3.3 Members at Planning Committee A in the determination of DC/15/94980 requested that details in discharge of condition 3 relating to a Construction Management Plan be presented to Planning Committee for a decision.
- 3.4 DC/16/98931: Details submitted in compliance of condition 3 (construction management plan) of the planning permission DC/14/89117 – withdrawn.

4.0 Current Planning Applications

The Proposals

4.1 The approval of details secured by conditions attached to the planning permissions for the demolition of Sergison Cottage and construction of a new single family dwelling located over three floors including a basement.

4.2 The full discharge of conditions 3 (construction management plan) is sought for both permissions. The condition attached to permission DC/17/100103 states:

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) A structural method statement prepared by an appropriately qualified civil or structural engineer, demonstrating how the excavation, demolition and construction work (including temporary propping and other temporary works) are to be carried out whilst safeguarding the structural stability of the adjoining retaining wall

(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 with the intention and aim of reducing the impact of construction related activity. (iii) Measures to deal with safe pedestrian movement.

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

(g) 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 (2011).*

4.3. The condition attached to DC/14/89117 is the same except it excludes d) requiring a structural method statement. It should be noted that although the site has two planning permissions (one for the construction of a new house and one for the construction of the same house but including a basement); the implementation of one permission excludes the implementation of the other.

4.4. Permission is also sought for an amendment to condition 16 of planning permission DC/15/94940 (house and basement), under the s.96a (non-material amendment) procedure. The condition states:

16. No works of excavation in connection with the approved basement (as identified in the Construction Management Plan) shall take place during the term times of All Saints School.

Reason: In order to minimise disruption to the operation of the school in the interest of educational continuity, amenity and safety in compliance with Policy 5.18 Construction, excavation and demolition waste of the London Plan 2015 (as amended).

- 4.5. The applicant wishes the wording to be changed to allow basement excavation work to take place when the school is occupied outside a 3m deep exclusion zone along the boundary with the school, or removed entirely.

5.0 Consultation

- 5.1 As this is an application for Approval of Details, there is no requirement for formal consultation. However, Ward Councillors were notified of the proposals given public interest and 40 written objections have been received. These are summarised below:
- the location of the rear wall is one of the main fire exits for the school
 - Demolition and piling during term time is non-negotiable as would force closure or relocation of the school during building works.
 - Extreme levels of dust and noise from building works
 - The school will not be able to use the playground during construction as a result of safety risk
 - There are no added stability measures for the structural stability of the proposed house and boundary wall.
 - Piling restrictions must be upheld, 3-metre exclusion zone is inadequate.
 - Private housing should not take precedence over public safety
 - Increase in air pollution
 - No security measures for potential accidents.
 - Application is contrary to the approved s73 permission.
- 5.2 Various Stakeholders including members of the public and members of the adjacent All Saints School have commented on the proposals saying that they do not believe the CMP has fully addressed the issues at hand with specific reference to a different condition relating to term time digging and excavation.
- 5.3 Objections submitted to the council have been reviewed and considered by the planning team. Objections including references to the increase in dust, air and noise pollution during the works, the structural stability of the wall and security for the site are addressed in the report below.
- 5.4 Objections such as private housing taking precedence over public safety, and halting building works altogether cannot be considered as planning permission has already been granted for the development.
- 5.5 The Environmental Health department stated that the applicant's submission is a considerable improvement over the original version submitted last year. The updated document takes into account the monitoring of noise and air quality to an appropriate standard as outlined in the Council's good practice guide.

5.6 The Council's Highways department stated that although the submission does not consider the restrictions on timescales as outlined in condition 16, the anticipated programme of six and a half months raises no objection to discharge condition 3. A review of the submission identifies that it is considered satisfactory, especially given the proposal is for the redevelopment of a single dwelling.

6.0 Planning Considerations

6.1 The main issue in determining the applications is whether the details provided are acceptable to meet the requirements of the Construction Management Plan (CMP). Given the similarity between the two CMPs, the contents of both will be considered together in each section.

6.2 Dust mitigation measures.

6.3 The Construction Management Plan recognises that the demolition and excavation works have the capacity to generate dust and particulates, and sets out a series of measures to control these. The measures include a hoarding to keep dust within the site, not locating dust generating activities near the boundaries of the site where possible and dust suppression measures when dust generating activities are taking place. The mitigation measures have been assessed by the Council's Environmental Health team and found to be acceptable.

6.4 The location and operation of plant and wheel washing facilities

6.5 The details of the location of plant and wheel washing have been assessed and are considered acceptable by both the Council's Highways and Environmental Health departments.

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

6.7 Noise and vibration will principally arise from demolition and piling works associated with the development. The CMP notes that the specific focus will be on reducing any impact on the adjacent school.

6.8 The noise and vibration measures in the CMP include real time noise and vibration monitoring, which will send automatic alerts where there are breaches, an acoustic barrier to be attached to the hoarding adjacent to the school and the timing of noisy activities to avoid school lunch and break times where possible when the children are outside.

6.9 The measures have been assessed by the Council's Environmental Health Team and found to be acceptable. It should be noted that noise on construction sites is also controlled under the Control of Pollution Act.

6.10 A structural method statement prepared by an appropriately qualified civil or structural engineer, demonstrating how the excavation, demolition and construction work (including temporary propping and other temporary works) are to be carried out whilst safeguarding the structural stability of the adjoining retaining wall - (note that this element is only required for CMP for the permission which includes a basement).

6.11 Details of the method for maintaining the retaining wall during construction have been included in the CMP and have been prepared by the structural engineering firm Packham Lucas. This notes that the pressure on the retaining wall would diminish as the work progressed and once completed the load would be greatly reduced.

- 6.12 The CMP also includes details of a 3m exclusion zone along the boundary with the school, with no works to take place within this area whilst the school is occupied, with netting fixed at the top of the wall as a second line if any objects were to fall from the site. This provides additional reassurance that the proposed works would not pose a risk to the school.
- 6.13 Given that any works to the wall would be subject to a Party Wall Agreement between the applicant and the school before they could take place and would require Building Control approval, the details provided in the CMP are considered sufficient for the purposes of discharging this part of the condition.
- 6.14 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 relates activity; (iii) Measures to deal with safe pedestrian movement;
- 6.15 The details of traffic movements and routes, timings and the proposals to ensure the safety of pedestrians have been assessed by the Council's Highways Department and are considered acceptable.
- 6.16 Management (to minimise risks to unauthorised personnel)
- 6.17 The site will be secured by a hoarding of at least 2m in height, with signage to discourage unauthorised access and the principal contractor taking responsibility for securing the perimeter. The detailed measures are considered to be acceptable in satisfying the requirements of this part of the condition.
- 6.18 Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements
- 6.19 The submitted details are considered to be acceptable.
- 6.20 Summary
- 6.21 Both the Council's Highways and Environmental Health departments have been consulted and raise no objection to the discharge of this condition for either application. Officers are therefore satisfied that the applicant has taken appropriate measures to ensure that construction of the dwelling is planned in a manner which would seek to minimise disruption on the local highway network, amenity of local residents and also protection of neighbouring property and buildings.
- 6.22 Amendment to condition 16 (no term time excavation)
- 6.23 The Construction Management Plan for DC/15/94980 includes provision for works during school opening times provided that it is not within a 3m exclusion zone along the boundary. However, condition 16 of that permission prevents excavation during term time.
- 6.24 The applicant has argued that condition 16 makes the development difficult, if not impossible, to accomplish as the excavation cannot be completed over the summer school break. This would mean that the site would need to be vacated for long periods, during which water ingress would make it hazardous and potentially affect the stability of the retaining wall adjacent to the school. A contractor willing to undertake the works on these terms would also be unlikely to be found.

- 6.25 If Members are minded to approve the details of the Construction Management Plan, they may also approve a 'non-material' amendment to the wording of condition 16 as a consequential change that would allow the Construction Management Plan to be implemented. The following wording is recommended:

No Works of excavation in connection with the approved basement (as identified in the Construction Management Plan) shall take place within a 3-metre exclusion zone during the hours of operation of All Saints School as outlined in the Construction Management Plan.

7.0 Equalities Considerations

- 7.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 7.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 7.3 The duty is a "have regard duty" and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality. In this matter, there is no impact upon equality.

8.0 Conclusion

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

- 8.2 It is considered that the Construction Management Plans submitted are acceptable.

9.0 RECOMMENDATION 1: Approve the submitted details for condition 3 of planning permission DC/14/89117

Informatives

A. The applicant is advised that condition 4, 5, 6, 7 and 8 of the Planning Permission DC/14/89117 (as amended by DC/15/94980) remain outstanding.

B. Please be advised that the details submitted for this application have been assessed only in relation to the condition as referred to on this application and do not provide acceptance or otherwise pertaining to any other outstanding conditions or subsequent applications.

RECOMMENDATION 2: Approve the submitted details for condition 3 of planning permission DC/15/94940

Informatives

A. The applicant is advised that the following conditions remain outstanding:
Pre-Demolition: None

Pre-Commencement: Condition 4 – Junctions, Condition 5- Materials and Finishes

Prior to occupation/Ongoing: Condition 6 – Landscaping, Condition 7 - Boundary treatment, Condition 8 - Bird/Bat Boxes

B. Please be advised that the details submitted for this application have been assessed only in relation to the condition as referred to on this application and do not provide acceptance or otherwise pertaining to any other outstanding conditions or subsequent applications.

RECOMMENDATION 3: Approve application DC/17/100775 for a ‘non-material amendment’ to vary condition 16 of planning permission DC/15/94940 to read as follows:

16. No Works of excavation in connection with the approved basement (as identified in the Construction Management Plan) shall take place within a 3-metre exclusion zone during the hours of operation of All Saints School as outlined in the Construction Management Plan.