

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.