

Committee	PLANNING COMMITTEE A	
Report Title	Sergison Cottage	
Ward	Blackheath	
Contributors	John Miller/Max Smith	
Class	PART 1	22 nd June 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 19 letters of objection have been received, including from the Headmistress of All Saints School and the Blackheath Society. The following points in relation to the proposal are raised:
- The CMP has unrealistic timelines for execution, even given the changes to their design (removal of the swimming pool) and use of a different piling rig.
 - Condition 16, which refers to 'no term time excavation', should be adhered to and that the contingency plan in case works take longer than proposed is not adequate.
 - Safety of children and staff should take priority over a home being built.
 - In the haste to get the amendments rushed through, important information could be overlooked.
 - Have the developers acted on their original survey recommendation for further ground surveys prior to proceeding? Without this there is no certainty of solid ground for work.
 - The 3m exclusion zone should not be removed. A delayed catastrophe could follow from earlier works too close to the separating wall.
 - Independent experts should certify the CMP as adequate.
 - New details don't provide enough information to adequately demonstrate that the works are structurally correct and safe.
 - The risk of harm is likely to be small but who is prepared to take that risk during term time?
 - No incentives for the project to run to schedule.
 - Very limited time before the summer holidays to conduct the thorough analysis necessary for the Party Wall Agreement.
 - If works overrun, the school is left very vulnerable.

- The timeline is not developed sufficiently for an Independent Engineer to scrutinise it in due diligence with regard to the safety of the school site. If the delay were significant where would the school relocate to and at whose cost.
- The final approval for term time working should not be with the specified experts but should be with the All Saints Parent Body and All Saints Governors, taking advice from experts as required.
- The applicant has detailed the risks of leaving the site partially excavated, but has not provided detailed mitigating measures that will be implemented to avoid these risks.
- The demolition of the cottage will take 3 weeks, which is longer than the half-term break. Children again will be potentially working and playing amidst the dust, noise and vibrations that will most likely result from this work.
- There is still no real consideration and or allowance for the disruption to the children. The school will unequivocally be exposed to noise, vibration, dust and even structural concerns with the retaining quarry wall.
- While no site is 100% safe, the risks are just too great.
- Once works are commenced, it appears that the project would have to progress and therefore All Saints' School would be forced into potential relocation.
- Applicant needs to show that they can demonstrably and reasonably comply with the parameters of condition 16. The updated CMP does not achieve this.
- The site is unsafe, where do the children go and go how long?
- The CMP should include case studies or evidence from other subterranean builds in unique settings (former quarries or along retaining walls).
- All experience suggests that it is highly likely that over-runs will occur.
- The document does not provide the basic reassurance that the work is fundamentally safe. The clear sense of the 30th March committee meeting was that there was zero tolerance for risk to the children at All Saints.
- There should be an unequivocal requirement that in the event of an overrun that piling and excavation cease during term time and the contractors leave the site safe and secure at all times.
- The addendum to the CMP states that "the party wall has multiple cracks and the condition of the entire wall is poor" this is clearly an issue that needs to be addressed. To suggest however that the work at Sergison Cottage, which is inevitably driven by the wishes of one household, is a viable solution and that this should be a factor governing approval of the CMP - is nonsensical.

4.3 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).

Current proposal

5.2 The revised Construction Management Plan (CMP), 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 applicant has also provided further supporting technical documents to the Construction Management Plan, consisting of a 'Calculation Package' for the basement design by Packman Lucas Structural Engineers and the piling calculations prepared by Geobond. The Calculations Package includes amongst other things, a Structural Strategy Statement, calculations of the existing retaining wall loadings, surcharge onto adjacent structures from the construction works, the design of retaining wall wind posts to secure the retaining wall during construction works and an assessment of the existing condition of the retaining wall. These documents have been developed as part of the Party Wall Agreement being progressed between the applicant and the owners of All Saints School (The Southwark Diocesan Board of Education), and are to be approved by a checking surveyor and engineer appointed at the request of the school's landowner.
- 5.4 The revised CMP 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).
- 5.5 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.

Assessment of revised details

- 5.6 Piling and excavation works adjacent to and in the vicinity of the retaining wall are perceived as being the riskiest part of the works. Therefore the proposal by the applicant to complete this part of the scheme in its entirety during the six week school summer holiday, including modifying the approved basement to reduce its scale, is welcomed in principle. The revised CMP is frank in acknowledging that unforeseen circumstances could result in excavation works overrunning into term time. Given this, the inclusion of a contingency plan, with the option of works ceasing until the following summer, is considered sensible and appropriate given the tight timeframe of the works.
- 5.7 The CMP proposes to excavate the area closest to the retaining wall first and work progressively away from the school. The consequence of this is that if there is any excavation to be completed after six weeks it would be in the part of the site remotest from the retaining wall, from which it would be separated by physical barriers, thus minimising any risk to the retaining wall (which would be secured for the duration of the work) and adjacent school site.
- 5.8 Furthermore, it should be noted that regardless of the contents of the CMP, condition 16 restricts term time excavation works. The applicant has not sought to amend or remove this condition. Therefore the Council would need to separately approve any excavation works that extended beyond the end of the school holidays, with options for planning enforcement available if works did continue.
- 5.9 Concerns were raised at the 30th March committee that the previous proposals, which included piling in term time prior to the start of the school holidays, did not include sufficient detail. As well as the proposal to undertake all of the excavation work during the

summer holidays, the CMP is now supported by detailed structural calculations for both the piling works, the construction of the basement and the protection of the retaining wall. As noted in the previous Committee report (see Appendix A), officers considered that the original CMP was sufficient to address the requirements of the condition. With the additional supporting information, it is considered that the details now go well beyond what would normally be expected of a Structural Method Statement. Whilst these may undergo further revision as part of the Party Wall Agreement and will be monitored as part of the Building Control regime, officers are satisfied that the potential safety issues for the school have been fully considered by appropriate professionals.

- 5.10 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.