



APPENDIX 1 – Draft Indicative Enforcement Notice

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED BY THE PLANNING AND COMPENSATION ACT 1991)

ENFORCEMENT NOTICE

ISSUED BY: LONDON BOROUGH OF LEWISHAM ('the Council')

1. THIS FORMAL NOTICE is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(b) of the above Act, at the land described below. The Council considers that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Explanatory Note at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land at Our Lady and St. Philip Neri RC Primary School. 208 Sydenham Road, SE26 5SE ("the Land") shown edged red and hatched on the attached plan.

3. THE BREACH OF PLANNING CONTROL ALLEGED

The construction of a primary school not in accordance with conditions attached to planning permission DC/16/096041 granted on 07.10.16.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last ten years.

The proposed development would give rise to materials and a fenestration pattern, by reason of their appearance and quality, which would result in an incongruent, low quality and poorly detailed building which is harmful to the character and appearance of the local streetscene. The development is contrary to Policy 7.4 Local Character of the London Plan (2016), Policies 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.

The openable windows on the Sydenham Road elevation result in a building with the potential to give rise to unacceptable internal noise levels in excess of guidance standards and adversely impacting the learning environment. The development is contrary to Lewisham Development Management Local Plan Policy DM 26, London Plan Policy 7.13.

The Council seeks to remedy the breach by making the development comply with the terms of the planning permission granted and by remedying the injury to amenity which has been caused by the breach.

5. YOU ARE REQUIRED TO CARRY OUT EITHER OPTION A or OPTION B BELOW:

OPTION A

1) Construct the school in accordance with the approved 2016 scheme (DC/16/096041) dated 07.10.16, in accordance with the approved plans:

PL_003, PL_004, PL_005, PL_006, PL_007, PL_104, PL_105, PL_106, PL_204, PL_301, PL_302, PL_401, L-110 Rev A (Planting Plan), L-111 Rev C, C100 Rev P, C101 Rev P1, Detailed Data Network Maps, Desk Study Report, Landscape Design, Ecological Appraisal and Initial Bat Inspection, Energy Strategy Statement Phase 3, Arboricultural Impact Assessment, Design & Access Statement, Acoustic Implications On Design, BREEAM2014 Education Pre-assessment report Rev A, Overheating Assessment, Bat Survey Report, Daylight Assessment Stage 2, Public Transport & Local Services Analysis Stage 2 (received 30th March 2016); PL_501 Rev A, PL_502 Rev A, PL_503 (Received 20th May 2016) PL_505 Rev A, PL_506 Rev A (received 2nd September 2016); PL_507, PL_102 Rev A, PL_103 Rev A, PL_201 Rev B, PL_202 Rev B, PL_203 Rev B (received 9th September 2016); and Transport Assessment Addendum (EAS, September 2016), L-110 Rev E (Landscape External Works Plan); L-112 Rev C; PL_508 (received 12th September 2016).

OPTION B

2) Carry out the following works to the Sydenham Road Elevation (northern elevation):

Cladding

- a) Remove the cladding from the elevation in its entirety.
- b) Install a composite cladding panel system of a light concrete colour that achieves an appearance and quality equivalent to that in the approved Design and Access Statement (Appearance - Section 5.6) dated March 2016 prepared by Pollard Thomas Edwards and approved 'Proposed North and West Elevations' (Drawing No: PL_201 Rev B) attached to DC/16/096041 as per **Appendix EN1**.

Recessed Element

- c) Recess the connecting element between the main school building and the hall by 1.7m to achieve an appearance equivalent to the approved 'Proposed Ground Floor Plan' (Drawing No: PL_103, Rev A) 'Proposed First Floor Plan' (Drawing No: PL_104), 'Proposed Second Floor Plan' (Drawing No: PL_105) and the 'Proposed Roof Plan' (Drawing No: PL_106) attached to DC/16/096041 in accordance with the images in **Appendix EN2**.

Ventilation Grills

- d) Remove the ventilation grills at ground, first and second floor level and as identified in the image in **Appendix EN3**.

External Lighting

- e) Remove the external lighting identified in the image in **Appendix EN4**.

Guttering and Drainpipes

- f) Remove the guttering and drainpipes identified in the image in **Appendix EN5**
- g) Install guttering and drainpipes that achieve a screened appearance equivalent to that in the approved Design and Access Statement (Appearance - Section 5.6) dated March 2016, prepared by Pollard Thomas Edwards attached to DC/16/096041 as per **Appendix EN6**.

Windows

- h) Remove the windows identified x-y in the image in **Appendix EN7**.
- i) Install aluminium windows (with coloured reveals at ground floor level and with widened apertures for windows x, y, and z) that achieve an appearance and quality equivalent to those in the approved Design and Access Statement (Appearance - Section 5.6) dated March 2016, prepared by Pollard Thomas Edwards and approved 'Proposed North and West Elevations' (Drawing No: PL_201 Rev B) and approved 'Proposed Street Elevations' (Drawing No: PL_203 Rev B) attached to DC/16/096041 as per **Appendix EN8**.

Metal Fins

- j) Install sequenced metal fins to the Hall Building and plant room to achieve an appearance and quality equivalent to that in proposed drawing numbers 1485-IID-00-00-DR-A-8103 (Proposed Sydenham Road & Fairlawn Park Elevations), 1485-IID-00-00-DR-A-8104 (Proposed Playground & Hall Elevations), 1485-IID-00-00-DR-A-8100 (Condition 8 – Materials- Phase II – Details), FQ016-041 DGL 01 XX DR A 9210 Rev P2 (Steel Fin Layout Plan) with the Colours RAL 3004, RAL 8003, RAL 8007 submitted with application DC/19/111793 as per **Appendix EN9**.

k) Install doors to the plant room coloured grey achieve an appearance and quality equivalent to those in proposed drawing numbers 1485-IID-00-00-DR-A-8103 (Proposed Sydenham Road & Fairlawn Park Elevations), 1485-IID-00-00-DR-A-8104 (Proposed Playground & Hall Elevations with colour RAL 9023/ RAL 7021 submitted with application DC/19/111793 as per **Appendix EN10**.

Ball Fencing

l) Install Polypropylene carbonite ball fencing around the perimeter of the Hall building with a height of 1.8m (extending 1.58m above the parapet) to achieve an appearance in colour Beige Brown (RAL 8024) equivalent to that proposed in drawing number FQ016-041 DGL 01 ZZ DR A 9221 submitted with application DC/19/111793 as per **Appendix EN11**.

3) Carry out the following works to the Hall Elevation (eastern elevation):

External Lights

j) Remove the external lighting identified in the image in **Appendix EN12**.

4) Carry out the following works to the Playground Elevation (southern elevation):

Cladding

k) Remove the cladding from the elevation in its entirety.

l) Install a composite cladding panel system of a light concrete colour that achieves an appearance and quality equivalent to that in the approved Design and Access Statement (Appearance - Section 5.6) dated March 2016, prepared by Pollard Thomas Edwards and approved 'Proposed South and East Elevations' (Drawing No: PL_202 Rev B) attached to DC/16/096041 in accordance with the images in **Appendix EN13**.

Recessed Element

m) Recess the connecting element between the main school building and the hall by 1.6 m to achieve an appearance equivalent to the approved 'Proposed Ground Floor Plan' (Drawing No: PL_103, Rev A), 'Proposed First Floor Plan' (Drawing No: PL_104), 'Proposed Second Floor Plan' (Drawing No: PL_105) and the approved 'Proposed Roof Plan' (Drawing No: PL_106) attached to DC/16/096041 in accordance with the images in **Appendix EN14**.

External Lighting

n) Remove the external lighting identified in the image in **Appendix EN14**.

Guttering and Drainpipes

o) Remove the guttering and drainpipes identified in the image in **Appendix EN15**.

p) Install guttering and drainpipes that achieve a screened appearance equivalent to that in the approved the Design and Access Statement (Appearance - Section 5.6) dated March 2016, prepared by Pollard Thomas Edwards attached to DC/16/096041, in accordance with the specific images in **Appendix EN16**.

Windows

q) Remove the windows identified x-y in the image in **Appendix EN17**.

r) Install windows (with widened apertures for windows x, y, and z) that achieve an appearance and quality equivalent to those in the approved the Design and Access Statement (Appearance - Section 5.6) dated March 2016, prepared by Pollard Thomas Edwards and approved 'Proposed South and East Elevations' (Drawing No: PL_202 Rev B) and approved 'Proposed Street Elevations' (Drawing No: PL_203 Rev B) attached to DC/16/096041 as per **Appendix EN18**.

5) Carry out the following works to the Fairview Park Elevation (western elevation):

Cladding

s) Remove the cladding from the elevation in its entirety.

t) Install a composite cladding panel system of a light concrete colour that achieves an appearance and quality equivalent to that in the approved Design and Access Statement (Appearance - Section 5.6) dated March 2016, prepared by Pollard Thomas Edwards and approved 'Proposed North and West Elevations' (Drawing No: PL_201 Rev B) attached to DC/16/096041 as per **Appendix EN19**.

Stepped Roof Profile Element

u) Set down the profile of the roof by 0.8m to achieve an appearance equivalent to the approved 'Proposed North and West Elevations' (Drawing No: PL_201 Rev B) as per **Appendix EN20**.

Ventilation Grills

v) Remove the ventilation grills identified in the image in **Appendix EN21**.

External Lighting

w) Remove the external lighting identified in the image in **Appendix EN22**.

Guttering and Drainpipes

x) Remove the guttering and drainpipes identified in the image in **Appendix EN23**.

y) Install guttering and drainpipes that achieve a screened appearance equivalent to that in the approved the Design and Access Statement (Appearance - Section 5.6) dated March 2016, prepared by Pollard Thomas Edwards attached to DC/16/096041, in accordance with the specific images in **Appendix EN24**.

Windows

z) Remove the windows identified x-y in the image in **Appendix EN25**.

aa) Install windows (with widened apertures for windows x, y, and z) that achieve an appearance and quality equivalent to those in the approved Design and Access Statement (Appearance - Section 5.6) dated March 2016, prepared by Pollard Thomas Edwards and 'Proposed North and West Elevations' (Drawing No: PL_201 Revision B) and approved 'Proposed Street Elevations' (Drawing No: PL_203 Revision B) attached to DC/16/096041 as per **Appendix 23**.

6) Remove all materials, debris, waste and equipment resulting from compliance with the requirements above.

TIME FOR COMPLIANCE:

OPTION A - Nine (9) months after this notice takes effect, **OR**

OPTION B - Twenty-one (21) months after this notice takes effect.

WHEN THIS NOTICE TAKES EFFECT:

This notice takes effect on 9th December 2019 unless an appeal is made against it beforehand.

Issued On: 28th October 2019

Kath Nicholson

Head of Law on behalf of the The Mayor and Burgesses of the London Borough of Lewisham, the Planning Authority.

Attachments: **Site Plan**
 Explanatory Note
 List of persons served with a copy of this Notice
 Information Sheet from Planning Inspectorate

DRAFT

EXPLANATORY NOTE

YOUR RIGHT OF APPEAL

PLEASE NOTE THAT A SEPARATE APPEAL FORM MUST BE COMPLETED FOR EACH INDIVIDUAL PERSON OR ORGANISATION

You may appeal in writing against this notice but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before 9th December 2019. You should read carefully the enclosed extract from the Town and Country Planning Act 1990 which sets out the grounds on which you may an appeal. If you decide to appeal you should read carefully the enclosed Planning Inspectorate information sheet which tells you how to obtain enforcement appeal forms.

If you decide to appeal your appeal must state the ground(s), in section 174(2) of the Act, on which it is made and you should state the facts in support of each chosen ground of appeal. If you do not provide enough facts when your appeal is first made, the Secretary of State will send you a notice requiring you to provide more facts. You are required to provide details of the further facts within 14 days of the Secretary of State's request.

FEES PAYABLE

If you appeal against the Enforcement Notice on Ground (a) – that planning permission ought to be granted – a fee of £24,640 will be payable to the Council as Local Planning Authority (cheques to be made payable to the London Borough of Lewisham). Joint appellants need only pay one set of fees.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against the enforcement notice, it will take effect on 9th December 2019 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or the carrying out of remedial action by the Council, the costs of which it may seek to recover from you.

CORRESPONDENCE WITH THE COUNCIL

Any correspondence to the Council in connection with this notice should be addressed to the Planning Enforcement Team, 2nd Floor Civic Suite, London Borough of Lewisham, Catford Road, London SE6 4RX or, if sent by email, to: planningenforcement@lewisham.gov.uk (please quote ref. ENF/18/00139).

NAMES OF PERSONS SERVED

A list of persons served with a copy of this notice is attached.

GROUNDINGS OF APPEAL

Section 174 of the Town and Country Planning Act 1990

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach; and
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

OUR LADY & ST. PHILIP NERI RC PRIMARY SCHOOL – ENFORCEMENT NOTICE

LIST OF PERSONS SERVED:

- 1 Paul McCallum, Company Secretary of the Southwark Roman Catholic Diocesan Corporation, 59 Westminster Bridge Road, London SE1 7JE.
- 2 Monsignor Matthew John Dickens, Director of Southwark Roman Catholic Diocesan Corporation, Archbishop's House, 150 St George's Road, London, SE1 6HX
- 3 Rt Rev Paul Joseph Hendricks, Director of Southwark Roman Catholic Diocesan Corporation, 95 Carshalton Road, Sutton, SM1 4LL
- 4 Rt Rev Patrick Kieran Lynch, Director of Southwark Roman Catholic Diocesan Corporation, 6a, Cresswell Park, Blackheath, London, SE3 9RD
- 5 Dr Simon Hughes, St Edward's House, St Paul's Wood Hill, Orpington, BR5 2SR
- 6 Mr Matthew Ringham, Our Lady and St. Philip Neri RC Primary School. 208 Sydenham Road, SE26 5SE



The Planning Inspectorate

Customer Support Team
Temple Quay House
2 The Square Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000
Email enquiries@planninginspectorate.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk/>); or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>.

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should immediately be followed by your completed appeal forms.

