



Mr Sean McGrath
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Date: 24 September 2019
Property Ref: LE/180/J/TP
Our Ref: DC/19/111793
ENF/18/00139

Dear Mr McGrath,

Town and Country Planning Act 1990

**Location: OUR LADY AND ST PHILIP NERI RC PRIMARY SCHOOL,
208 SYDENHAM ROAD, LONDON, SE26 5SE**

Application No: DC/19/111793
Enforcement Case: ENF/18/00139

Proposed Development: An application submitted under Section 73 of the Town and Country Planning Act 1990 to allow for the variation of Conditions 2 and 8 in connection with planning permission dated 7th October 2016 DC/16/096041 as amended for the demolition of the existing buildings at Our Lady and St Philip Neri Primary School (OLSPN), 208 Sydenham Road.

I write with respect to the above planning application and enforcement investigation at OLSPN School. Officers have assessed the planning application made under Section 73 of the Town and Country Planning Act 1990 (DC/19/111793) received by Lewisham 5th April 2019. Officers have also assessed the circumstances of the planning enforcement investigation (ENF/18/00139) opened 18th April 2018.

Officers intend to recommend the application for **refusal** to Planning Committee A on 3rd October 2019, as the proposal is considered to be contrary to the development plan and does not meet with the relevant provisions of London Plan and Lewisham's local planning policies. Further detail is given in the Officer's Report. Officers consider the proposal to mitigate the planning harm caused by the school's current non-compliance with planning controls is of insufficient quality to be recommended for approval.

By way of this letter I also advise you of the Local Planning Authority's intention to take formal planning enforcement action against your client to remedy the extant breaches of planning control, should the Committee be minded to accept the officer recommendation to refuse application DC/19/111793.

A draft enforcement action has been published to the committee agenda today and will be considered by members following the assessment of the Section 73 proposal. Officers will be recommending that the enforcement investigation (ENF/18/00139) is concluded by way of the delegated issue and service of a planning enforcement notice in due course.

The decision to recommend formal action has taken account of national guidance to work with applicants and owners informally to achieve a negotiated solution. Officers consider that discussions with your client have failed to yield an acceptable planning outcome to date and they have yet to propose a way forward for this important institutional building that could be judged commensurate with the 2016 planning position.

Officers have twice sought additional information from your client during the Section 73 application process, and advised that no matters would be reserved to condition. In the opinion of officers, required details have not been forthcoming. While enforcement action is always a last resort, officers are of the view that discussions with your client have been exhausted and the only way to resolve the extant breaches of control at the site is by way of formal action.

The draft steps for compliance set out in the enforcement notice offers two options (see further in the Officer's Report).

- Option A would compel your client to implement the 2016 planning permission granted.
- Option B would compel the client to, in essence, clad and fenestrate the building to the necessary standard to remedy the breach of planning control and the harm to amenity caused by this development. The notice does not seek to remove individual out-of-compliance elements that do not give rise to significant planning harm. The provision of improved cladding and windows that provide a commensurate visual appearance and protect users from noise impacts is key to Option B.

Officers accept that Option B may raise logistical challenges in this instance given the progression of the build. Option A includes some elements that the Officer's Report recognises do not individually give rise to unacceptable planning harm (e.g. building height).

The Officers Report explains that there are a variety of reasons why Option A is put forward, which include that it may be that the logistical challenges of Option B that indicate Option A will be the minimum necessary to remedy the breach of planning control and the injury to amenity, if the collective lesser steps in Option B are or said not to be achievable.

We are confident the school and their representatives are fully capable of meeting these challenges to deliver on the obligations to bring forward policy compliant development either by way of Option B or if necessary to remedy the breach of planning control and the injury to amenity, Option A.

By way of this letter, I advise you that should the Committee delegate the resolution of the enforcement investigation to officers, a copy of the planning enforcement notice will be served on your client as an interested party. Under relevant legislation, the Council has a duty to serve the client with a copy of the Notice as an owner of the premises. Copies will also be served on other interested parties. As an interested party the client has a right of appeal against the Notice.

You or your client may make representations regarding the recommendation to refuse planning permission and the issue and service of the enforcement notice at Planning Committee A on 3rd October 2019 in the Council Chambers at the Lewisham Civic Suite, Catford Road, London, SE6 4RU. You will be formally notified by letter of this committee hearing meeting. You should register to speak at the committee. Details will be contained in the notification letter.

Please contact me if you require further information.

Yours sincerely

James Hughes
Team Leader South – Planning Service