

Committee	PLANNING COMMITTEE C	
Report Title	Haberdashers Askes Hatcham College, Pepys Road, SE14 5SF	
Ward	Telegraph Hill	
Contributors	Patrycja Ploch	
Class	PART 1	6 February 2020

<u>Reg. Nos.</u>	DC/19/114696
<u>Application dated</u>	18 November 2019
<u>Applicant</u>	TP Bennett on behalf of Kier
<u>Proposal</u>	The construction of single storey rear extension to EFAF block following demolition of the existing extension; refurbishment of the EFAF block including installation of new windows and door, provision of new rainwater goods, installation of barrier guarding on the roof and redevelopment of the shower block to create a specialist IT facility at a building at Haberdashers Aske's Hatcham College, Pepys Road SE14.
<u>Background Papers</u>	Case File DE/48/B/ADV Local Development Framework Documents The London Plan
<u>Designation</u>	Telegraph Hill Conservation Area Article 4 Direction PTAL 4 and 5
<u>Screening</u>	N/A

1 SUMMARY

- 1 This report sets out officer's recommendation in regard to the above proposal. The case has been brought before members for a decision as permission is recommended to be approved and Telegraph Hill Society objected to the application.

2 SITE AND CONTEXT

Site description and current use

- 2 The application site is within Haberdashers' Aske's Hatcham College (Use Class D1) which is located at a corner junction of Pepys Road and Vesta Road. The school site is bounded by back gardens of residential properties facing onto Vesta Road and Wallbutton Road to the east and Pendrell Road to the south. The site subject to this application is located on the eastern boundary of the College site (see Fig 1).
- 3 The school is made up of seven main buildings and the school house is located to the south-west of the site close to the electrical substation.

- 4 The two buildings that are subject to this application make up the EFAF block and they are the former sports hall and shower block. The former sports hall is in keeping with the surrounding school buildings with generous floor to ceiling heights, brick detailing, large windows and a hipped roof. The shower block, which is a later addition, is utilitarian and it does not have the same architectural language as the other building within the school complex.

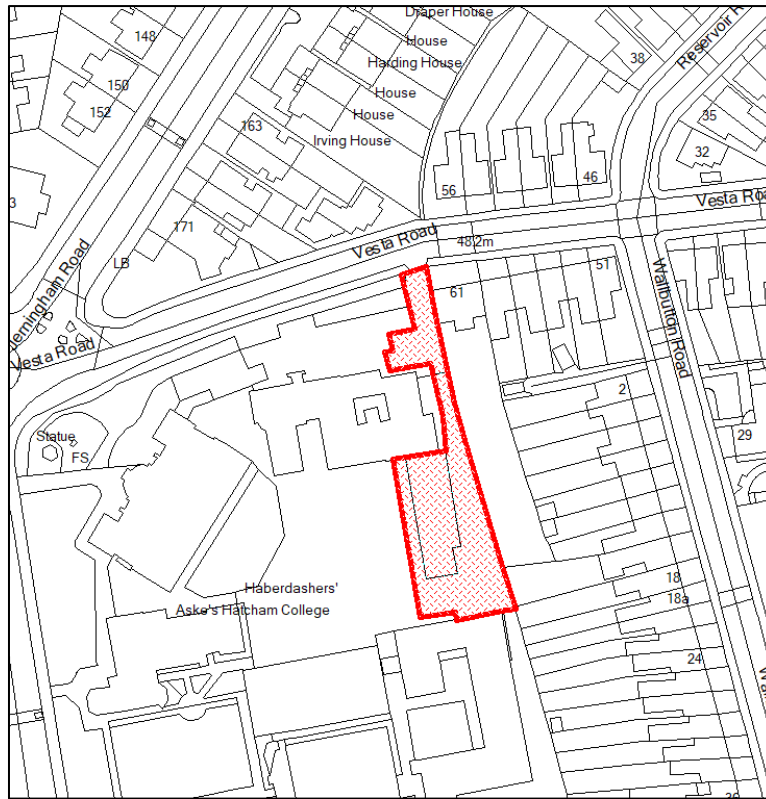


Fig 1: Site location plan

Character of area

- 5 The area surrounding the property is predominantly residential and is largely characterised by traditional semi-detached and terraced properties constructed with London stock brick, the majority of which are generally of late Victorian construction.

Heritage/archaeology

- 6 The entire site is located within the Telegraph Hill Conservation Area. A statue at the northwest corner of the Haberdasher's Aske's Hatcham College campus, of Robert Aske, is statutorily listed (Grade II). The application site is screened from the listed statue by the cluster of 1875 Gothic buildings in the northwest corner of the Haberdasher's Aske's Hatcham College site, which are locally listed buildings.

Surrounding area

- 7 The site has good connectivity and is within a walking distance to Brockley, which provides a number of local services such as shops, restaurants, takeaways and bars. The site also benefits from being in close proximity to areas of open space. The application site is 407 feet away from Telegraph Hill Upper Park.

Local environment

8 The site falls within Flood Risk Zone 1, and is therefore considered as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%).

Transport

9 The site has a Public Transport Accessibility Level (PTAL) score of 4 on a scale of 1-6b, 1 being lowest and 6b the highest.

10 The site is equidistant to both Brockley and Nunhead railway stations benefitting from National Rail and London Overground services.

3 RELEVANT PLANNING HISTORY

11 The relevant planning history to the application site is as follow:

Reference	Description	Decision
DC/10/074706	The construction of a temporary single storey building, to provide ancillary office accommodation for a period of 2 years, to the rear of the existing school house at Haberdashers' Aske's Hatcham Boys, Pepys Road SE14.	Granted on 11/08/2010
DC/10/074707	The construction of temporary two storey classroom accommodation, comprising 8 classrooms and associated toilet facilities for a period of 2 years, at Haberdashers' Aske's Boys, Pepys Road SE14 adjacent to the Vesta Road frontage.	Granted on 11/08/2010

3.1 PRE-APPLICATION ENGAGEMENT

12 Pre-application discussion took place in October 2019 under pre-application reference PRE/19/114254. The written response included comments from Urban and Conservation Officer.

13 The pre-application response letter concluded that the design of the replacement extension was supported. However, Officers felt that the design of proposed windows to the EFAF building should be more in keeping with windows that are found on other buildings within the school complex.

4 CURRENT PLANNING APPLICATION

14 Construction of a single storey rear extension to EFAF block (the former sports hall) following demolition of the shower block; refurbishment of the EFAF block including installation of new windows and door; provision of new rainwater goods; installation of barrier guarding on the roof and redevelopment of the shower block to create a specialist IT facility.

Replacement single storey extension (IT facility)

15 The replacement extension would measure 11.05m in depth, 10.1m in width and a maximum of 5.18m in height, resulting in a new IT facility

Refurbishment to the EFAF building

16 The windows in the EFAP building would be replaced to improve the thermal performance of the building. The design of the windows will be similar to that of the existing windows.

Internal alterations to the EFAP building

17 The internal alterations to the building would include re-configuration of the floor layout to provide space that is more accessible. On the first floor the re-configuration would result in creation of three separate classrooms that would be accessed through a new circulation corridor that would run along the western elevation, this is an improvement to the existing layout.

5 CONSULTATION

5.1 APPLICATION PUBLICITY

18 Consultation for the application has been carried out in accordance with Lewisham Council's Statement of Community Involvement.

19 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 22nd November 2019. Press notice was published on 28th November 2019.

5.1.1 Objections

Comments in objection	Para where addressed
The design does not fit the overarching design of the school	See para 7.2.3

5.1.2 Other comments:

Other Comment	Para where addressed
Building works must not inconvenience residents in the hours of operation	See para 80

5.2 INTERNAL CONSULTATION

20 The following internal consultees were notified on 22nd August 2019.

21 Conservation: raise no objection

22 Trees: require further information to be conditioned

6 POLICY CONTEXT

6.1 LEGISLATION

23 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

24 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets. To deliver on an LPA statutory duties, legislation confirm that they need to properly informed input of specialist conservation advice and judgement. An importance and weight needed to be given to the desirability of preserving the setting of listed and non-designated listed building and their settings when carrying out the balancing exercise.

6.2 MATERIAL CONSIDERATIONS

25 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

26 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

27 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the test of reasonableness.

6.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance (NPPG)
- National Design Guide 2019 (NDG)

6.4 DEVELOPMENT PLAN

28 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

6.5 SUPPLEMENTARY PLANNING GUIDANCE

29 Lewisham SPG/SPD:

- Planning Obligations Supplementary Planning Document (February 2015)
- Telegraph Hill Conservation Area Character Appraisal

30 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- Sustainable Design and Construction (April 2014)
- Character and Context (June 2014)

- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)

6.6 DRAFT LONDON PLAN

31 The Mayor of London published a draft London Plan on 29 November 2017. The Examination in Public was held between 15th January and 22nd May 2019. The Inspector's report and recommendations were published on 8 October 2019. The Mayor issued to the Secretary of State the Intend to Publish London Plan on 9th December 2019. This document now has some weight as a material consideration when determining planning applications. The relevant draft policies are discussed within the report (DLPP).

7 PLANNING CONSIDERATIONS

32 The main issues are:

- Principle of Development
- Urban Design and impact on heritage assets
- Trees and landscaping
- Impact on Adjoining Properties
- Transport
- Sustainability and energy

7.1 PRINCIPLE OF DEVELOPMENT

General policy

33 The National Planning Policy Framework (NPPF) at paragraph 11, states that there is a presumption in favour of sustainable development and the proposal should be approved without delay so long as they accord with the development plan.

Policy

34 Paragraph 94 of the National Planning Policy Framework (2019) states that 'the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice of education'

35 Policy 3.18 of the London Plan states that from a strategic perspective the 'Mayor will support provision of early years, primary and secondary school and further and higher education facilities adequate to meet the demands of a growing and changing population to enable greater education choice' and that 'the Mayor strongly supports the establishment of new schools'. Planning decisions which 'enhance education and skills provision will be supported, including new build...which address the current projected shortfall of primary school places will be particularly encouraged'.

36 Core Strategy Policy 20 supports the improvement of schools within the borough.

Discussion

37 The proposal would enhance the existing teaching facilities. This space would better interconnect and better function with the existing building within the school complex. Officers are of view that the proposal would consolidate and enhance the sites existing education use. For this reason there is no issue in terms of the principle of development

7.2 URBAN DESIGN

Urban design policies

38 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The NPPG encourages decision takers to always secure high quality design; this includes being visually attractive and functional, however other issues should be considered.

39 London Plan Policy 7.6 requires development to positively contribute to its immediate environs in a coherent manner, using the highest quality materials and design.

40 Core Strategy Policy 15 repeats the necessity to achieve high quality design. DM Policy 30 states that all new development should provide high standards of design and should respect the existing forms of development in the vicinity.

7.2.1 Layout

41 The proposed single storey extension would replace the existing extension. The layout and footprint of the proposed extension would be similar to the existing. As such, officers raise no objection to its construction.

7.2.2 Massing and scale

42 The proposed extension would be 1.81m higher than the existing. This allows for a 1.1m parapet wall that hides the plant equipment on the roof from being visible from the playground, access road and some limited views of the extension from the rear gardens of properties facing Wallbuton Road. The extension would be subservient to the building it adjoins and it would not appear to be out of keeping with massing and scale of it.

7.2.3 Appearance and character

43 Concerns have been raised about the detailed design of the proposed single storey extension.

44 The three original school buildings dated from 1875 are noted as good examples of Gothic Revival Style. These building have ornate brickwork and stone detailing and pitched roof. The school also has more recent extensions and additions, their materiality is a mixture of brickwork and coloured render with simpler more modern detailing and façade design.

45 The existing single storey extension is not original or of any historic and architectural interest. The proposed development would introduce a contemporary iteration of the period building around it. The applicant had studied the brick detailing and pattern of the existing buildings, this work has informed the design of the proposed extension, and this is considered an appropriate response. The extension would be constructed using two types of brick patterns. A diamond brickwork pattern for the parapet and a diagonal pattern for the recessed brick bays. This treatment would help to articulate depth between the bays and would provide interest. Two tones of brickwork are proposed to create the patterns on the façade which take cues from the two tones of brickwork used on the adjacent EFAF building. Whilst the design and finish of the extension would be different to the existing building within the school complex, officers are of view that the

proposal is a successful contextual design response. The detailing and patterns of the bricks responds well to the design of the other building on campus.

46 The proposed building would be constructed out of brick. The proposed materials are considered to be a successful contextual response.

47 All windows and doors to the EFAF building are proposed to be replaced to improve the thermal performance of the building. The replacement windows for the existing EFAF building would be in keeping with the design, style and proportions of existing windows. All replacements would be fitted into existing wall opening and it would be of the same dimensions. The applicant has not submitted material detail for the replacement windows. To ensure that they are of high quality and that they are appropriate for this building a condition will be added requiring submission of this detail prior to works to the building starting on site.

7.2.4 Impact on heritage assets

48 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated. The application buildings are in a conservation area. There is a Grade II listed statue on site but it is screened the cluster of 1875 Gothic buildings in the northwest corner of the Haberdasher's Aske's Hatcham College site, which are locally-listed buildings.

49 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

50 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation when considering the impact of a proposed development on the significance of a designated heritage asset: para 193 of the NPPF. Further, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.

51 LPP 7.8 states that development should among other things conserve and incorporate heritage assets where appropriate. Where it would affect heritage assets, development should be sympathetic to their form, scale, materials and architectural details. DLPP HC1 reflects adopted policy.

52 Core Strategy Policy 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.

53 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.

54 DMP 37 seeks to ensure that the value and significance of the borough's non-designated heritage assets are protected so that they may continue to contribute to the richness of the borough's historical environment and inform future development and regeneration.

55 The Council Conservation Officer has been consulted on this scheme, and considers that the extension given its subordinate size would not cause any harm to its interest or significance as a result. Furthermore, the extension cannot be seen from public realm.

55.1.1 Harm can arise from the loss of historic fabric or features of significance as well as impact on the setting of a heritage asset. Whether 'substantial' or 'less than substantial', any harm should be avoided unless it can be justified by what is proposed by the application.

56 Officers conclude, as a matter of planning judgement, that the proposal would enhance the Conservation Area and nearby non-designated heritage assets, including locally listed buildings. Therefore the proposal would cause no harm. As such, there is no need to assess the wider public benefits of the proposal. However, the proposal provide high quality teaching facilities; this is a significant planning merit.

7.2.5 Urban design conclusion

57 Officers are satisfied that the overall design of the extension would be appropriate and that the proposal would enhance the character and appearance of the building and area. As no harm arises, there is no need to balance the wider public benefits; however, those are also significant.

7.3 TREES

Policy

58 Section 197 of the Town and Country Planning Act (TCPA) 1990 gives local planning authorities special duties in respect of trees. This includes a duty to, wherever it is appropriate, that in granting planning permission for any future development adequate provision is made by the imposition of conditions, for the preservation and planting of trees.

59 Section 211 of the TCPA 1990 details that trees in a conservation area that are not protected by an Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990.

60 LPP 7.21 protects trees of value and replacements should follow the principle of 'right place, right tree'. New development should include additional trees wherever appropriate, particularly large-canopied species.

61 DLPP G7 expects development proposals to ensure that, wherever possible, existing trees of value are retained. Where it is necessary to remove trees, adequate replacement is expected based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or other appropriate valuation system.

62 CSP 12 seeks to protect trees and prevent the loss of trees of amenity value, with replacements where loss does occur.

63 DMP 25 states that development schemes should not result in an unacceptable loss of trees, and sets out the required information to support development affecting trees.

Discussion

64 The proposed development is in a close proximity to trees. These trees are approximately 8.3m away from the closest part of the new extension and they are located in the rear gardens of the neighbouring properties facing Wallbutton Road.

65 An Existing Tree Plan (drawing number 2017111/ETP001) and a Tree Survey Schedule accompany the application. This identifies and categorises the 13 trees on site. All but two of those trees are located along the front boundary of the site and not affected by this proposal.

66 Trees T12 and T13 are located close the eastern boundary of the site (8.3m away). These trees are category B in good condition. There is no plan to remove these trees as part of the works. The completed works would also not be likely to affect the trees, due to the distance between the trees and the extension. Officers do have concerns that the works themselves may affect the trees (root protection areas and crowns) including from the: storage of materials; siting of site welfare; digging of foundations or laying services; vehicle movements. To minimise the risk of damage during construction works, Officers recommend a condition is imposed to secure and implement a tree protection plan.

7.3.1 Tree conclusion

67 Subject to condition that would request submission of a tree protection plan before works on site start there is no objection to the proposed development on tree grounds.

7.4 LIVING CONDITIONS OF NEIGHBOURS

General Policy

68 NPPF paragraph 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users.

69 Paragraph 180 states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.

70 This is reflected in relevant policies of the London Plan (Policy 7.6), the Core Strategy (Policy CS15), the Local Plan (DM Policy 32) and associated guidance (Housing SPD, 2017, GLA).

71 DM Policy 32 (1)(b) expects new development to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.

72 Further guidance is available in Housing SPD 2017, GLA.

Discussion

73 The works that could give rise to harm to the living conditions of neighbours are limited to the replacement IT facility, which would be located on the footprint of the former shower block. The only potentially affected dwellings are to the east of the site. The first is 61 Vesta Road, which shares its long garden boundary with the school. The works would be limited to near the rear of that garden. The second dwelling is 16 Wallbuton Road, which shares its narrow garden boundary with the school.

74 The replacement IT facility would be marginally larger in footprint to the east, but remain in line with the existing former sports hall. The eastern wall would be 8.3m from the shared boundary and 37m from the nearest building. While the extension would be higher than the existing by 1.81m, Officers are satisfied that due to the separation distances there would be no materially adverse impact on outlook, privacy, sunlight and daylight as well as overshadowing generated by the proposal.

75 A Noise Impact Assessment accompanies the application. The proposal is a replacement facility and does not amend the hours of operation of the school, nor the pupil numbers. Officers are satisfied there would be no adverse noise impacts.

7.4.1 Living conditions of neighbours conclusion

76 Due to the distance between the works and neighbouring houses and gardens, along with the nature of the works, which would not alter the footprint of the school buildings, Officers conclude there would be no material impacts on the living conditions of neighbours.

7.5 TRANSPORT IMPACT

General policy

77 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of paragraph 102.

Discussion

78 The proposed development would not result in an increase of students and teachers at the school. As such, there are no additional parking trip made to and from the site.

79 The proposal would also not remove parking capacity on site.

80 A Construction Management Plan accompanies the application. A condition is recommended to secure the works are carried out in accordance with that plan.

7.5.1 Transport conclusion

81 Officers consider the scheme would not give rise to any transport impacts.

7.6 SUSTAINABILITY AND ENERGY

Policy

82 Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

83 Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- 1 Be Lean: use less energy
- 2 Be clean: supply energy efficiently
- 3 Be green: use renewable energy

84 Achieving more sustainable patterns of development and environmentally sustainable buildings is a key objective of national, regional and local planning policy. London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policy 8 requires all new residential development to meet a minimum of Code for Sustainable Home Level 4 and commercial buildings to achieve a BREEAM rating of 'Excellent'.

Discussion

85 A BREEAM pre-assessment report was submitted which shows that all reasonable efforts have been made to achieve as high a score as possible and the proposals would achieve a high BREEAM 'very good' score. Officers recognise the constraints specific to this type of school improvement work and accept that it is not feasible to achieve BREEAM 'Excellent' in this instance. A condition is recommended requiring that the proposal meet a minimum score of 'very good'.

7.6.1 Sustainability and energy conclusion

86 Officers consider the scheme would achieve appropriate sustainability and energy standards.

8 LOCAL FINANCE CONSIDERATIONS

87 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

- 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
- sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

88 The weight to be attached to a local finance consideration remains a matter for the decision maker. In this case there is no CIL liability as the net additional floor space is less than 100sqm.

9 EQUALITIES CONSIDERATIONS

89 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.

90 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

91 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.

92 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:

<https://www.equalityhumanrights.com/en/publication-download/services-public-functions-and-associations-statutory-code-practice>

<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

93 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

94 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:

95 <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

96 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.

10 HUMAN RIGHTS IMPLICATIONS

97 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Protocol 1, Article 2: Right to education

98 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

99 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore,

carefully consider the balance to be struck between individual rights and the wider public interest.

100 This application has the legitimate aim of providing a new building with improved education uses. The rights potentially engaged by this application, including Protocol 1, Article 2: Right to education are not considered to be unlawfully interfered with by this proposal.

11 CONCLUSION

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

102 The proposed development would achieve a number of the urban design and conservation objectives set out in the Core Strategy, including provision of better teaching facilities that would be of high quality for an existing school and enhancing the Conservation Area and other non-designated heritage assets. Furthermore, the development would not have negative impact on the living conditions of neighbours.

103 For these reasons the application is recommended to be GRANTED planning consent.

12 RECOMMENDATION

104 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informatives:

12.1 CONDITIONS

1) TIME LIMIT

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.

2) LIST OF APPROVED PLANS

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

Location site plan - site context plan (135073-CVA-XX-00-DR-A-1.1-01);
Site Plan (block plan) - demolition (135073-CVA-XX-00-DR-A-1.1-02);
Site plan (135073-CVA-XX-00-DR-A-1.1-03);
Site sections proposed (135073-CVA-XX-00-DR-A-1.2-01);
Ground floor plan existing (135073-CVA-XX-00-DR-A-2.1-01a);
Ground floor plan proposed (135073-CVA-XX-00-DR-A-2.1-01b);
First floor plan existing (135073-CVA-XX-00-DR-A-2.1-02a);
First floor plan proposed (135073-CVA-XX-00-DR-A-2.1-02b);
Roof plan existing (135073-CVA-XX-00-DR-A-2.1-03a);
Roof plan proposed (135073-CVA-XX-00-DR-A-2.1-03b);
Section AA - existing (135073-CVA-XX-00-DR-A-2.2-01a);
Section AA - proposed (135073-CVA-XX-00-DR-A-2.2-01b);
Sections BB + CC - existing (135073-CVA-XX-00-DR-A-2.2-02a);

Sections BB + CC - proposed (135073-CVA-XX-00-DR-A-2.2-02b);
Elevation A - existing (135073-CVA-XX-00-DR-A-2.3-01a);
Elevation A - proposed (135073-CVA-XX-00-DR-A-2.3-01b);
Elevation B - existing (135073-CVA-XX-00-DR-A-2.3-02a);
Elevation B - proposed (135073-CVA-XX-00-DR-A-2.3-02b);
Elevation C - existing (135073-CVA-XX-00-DR-A-2.3-03a);
Elevation C - proposed (135073-CVA-XX-00-DR-A-2.3-03b);
Detailed elevation - new extension (135073-CVA-XX-00-DR-A-2.3-04);
Landscape plan proposed (135073-CVA-XX-00-DR-A-2.5-01);
Existing tree plan (20171111/ETP001); received on 19th November 2019.

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.

3) **MATERIALS**

a) Notwithstanding the submitted plan and documents, details of all facing materials shall be submitted to and approved in writing by the local planning authority prior to superstructure work commencing on site. The detail shall include:

- i) Solid brickwork (a brick panels to be built on site and to include the proposed bond, mortar colour and pointing detail);
- ii) Window treatment (including sections and reveals);
- iii) Door treatment;
- iv) Roofing material;
- v) Any other facing materials to be used.

b) The development must be carried out in accordance with the approved details agreed under part (a) of this condition.

Reason: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.

4) **CONSTRUCTION MANAGEMENT PLAN**

The measures specified in submitted and hereby approved construction management plan prepared by Kier and received by the Local Planning Authority on 19th November 2019 shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and 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 (2015).

5) **BREEM SCORE**

(a) The buildings hereby approved shall achieve a minimum BREEAM score of Very Good.

- (b) Prior to completion of the superstructure a Design Stage Certificate for the building (prepared by a Building Research Establishment qualified Assessor) shall be submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (c) Within 3 months of occupation of any of the buildings, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with part (a) for that specific building.

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2011) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

6) PROTECTION OF TREES DURING CONSTRUCTION

- a) No development shall commence on site until a Tree Protection Plan (TPP) has been submitted to and approved by the Council. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.
- b) The development shall be carried out in accordance with the approved details agreed under part (a) of this condition.

Reason: To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets 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).

12.2 INFORMATIVES

- 1) **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 and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.
- 2) 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.
- 3) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Act and other related legislation. These cover such works as – the demolition of existing buildings, the erection of a new building

or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works.