



Strategic Planning Committee

Report title:

**Our Lady and St Philip Neri RC Primary School, Sydenham Road, SE26
5SE**

Date: 28 April 2022

Key decision: No.

Class: Part 1

Ward(s) affected: Sydenham

Contributors: Georgia McBirney

Outline and recommendations

This report sets out the officer's recommendation of approval for this planning application.

The case has been brought before committee as the Council's Director of Planning is of the opinion that the matter would be more appropriately dealt with by committee.

Application details

Application reference number(s): DC/22/125634

Application Date: 22 February 2022

Applicant: WSP on behalf of Roman Catholic Archdiocese of Southwark

Proposal: An application submitted under Section 73 of the Town and Country Planning Act 1900 (as amended) for the variation of Conditions 2 (Approved Plans), 8 (External Materials) and 14 (Travel Plan) in connection with a planning permission dated 7th October 2016 DC/16/096041 (as amended) at Our Lady and St Philip Neri Primary School, 208 Sydenham Road SE26 proposing: removal of existing cladding and the installation of terracotta exterior building cladding, installation of a brick plinth, installation of window reveals and window frame colouration, roof profile alterations, removal of associated grills and vents and replacement with air bricks, landscaping improvements and travel planning details.

Background Papers: Submission drawings
Submission technical reports
Internal consultee comments
Statutory consultee comments
Original Permission – DC/16/096041

Designation: PTAL 2/3, Air Quality, Area of Archaeological Priority

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application relates to Our Lady and St Philip Neri RC Primary School (OLSPN), which is located on the eastern intersection of Sydenham Road and Fairlawn Park.
- 2 The site is approximately 2,991 sqm in area with an irregular shape as it bends behind the terrace along Fairlawn Park. Prior to the approval and subsequent works pertaining to DC/16/096041 the site consisted of a number of single storey buildings, primarily nearest the corner of Fairlawn Park and Sydenham Road adjoining Home Park.
- 3 Currently the site consists of a three storey school building which has not been constructed in compliance with Conditions 2 (Approved Plans) and 8 (Materials) of DC/16/09641.

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- 4 For the committee's reference, a side by side list of non-compliances with the 2016 planning permission which were presented to Planning Committee C in October 2019 are attached at **Appendix 1**.

Character of area

- 5 The surrounding area is a mix of institutional land uses along Sydenham Road, including Our Lady and St Philip Neri Church and Presbytery directly adjoining and residential properties along Sydenham Road and to the rear, which front Fairlawn Park. Home Park, to the rear of the institutional buildings, adjoins to the east of the site.
- 6 The typology of Sydenham Road is a mix of part two/part three storey institutional buildings adjacent to the site and two storey semi-detached Edwardian dwellings, as well as the 21st century three storey apartment blocks opposite the site. To the rear along Fairlawn Park, the dwellings form tighter and consistent urban terraces.

Heritage/archaeology

- 7 The application site is not located in a conservation area. It does not contain any listed buildings, nor are there any listed buildings in the vicinity. Sydenham Library which is locally listed is situated approximately. The application site is within an Area of Archaeological Priority.

Transport

- 8 The application site has a PTAL of 3, on a scale of 0 to 6b, with 6b having the highest accessibility to public transport. Sydenham Station is located approximately 1km to the east with a number of bus routes servicing Sydenham Town Centre and other locations such as Bell Green and Catford, from Sydenham Road.

2 RELEVANT PLANNING HISTORY

- 9 There is substantial planning history at the application site, only the most relevant history is detailed below. A more detailed history including an enforcement history is set out in section 3 of the committee report for DC/19/111793 which is attached at **Appendix 2**.
- 10 **DC/16/096041:** The demolition of the existing buildings at Our Lady and St Philip Neri Primary School, 208 Sydenham Road SE26 and the construction of a three storey school building including a nursery, a multi-function sports court and a running track, together with the creation of a formal pedestrian access from Home Park, the provision of cycle and scooter spaces, refuse storage and associated landscaping works to provide the amalgamation of the Infant and Junior Schools. **Granted 7/10/2016-determined by Planning Committee.**
- 11 **DC/19/111793:** 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, 208 Sydenham Road SE26 and the construction of a three storey school building including a nursery, a multi-function sports court and a running track, together with the creation of a formal pedestrian access from Home Park, the provision of cycle and scooter spaces, refuse storage and associated landscaping works to provide the amalgamation of the Infant and Junior Schools, in order to allow the following changes:- Alterations to the

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materials, Alterations to the fenestration pattern, Increase in the height of the building, Alterations to the roof profile, Alterations to the siting of the building, Installation of UKPN cabinets and planting on the corner of Sydenham Road and Fairlawn Park, Reduction in the number of fins on the Hall building, Installation of an internal ball fence to the playground on the flat roof of the Hall building, Installation ventilation grilles, Alterations to external lighting, Alterations to extraction flue, Alteration to playground canopies, Alterations to nursery entrance, Installation of an air-conditioning unit near the nursery entrance, Alterations to the brick plinth and Alterations to external plant store. **Refused 25th October 2019 – determined by Planning Committee A**

- 12 Planning Committee A Members reviewed the draft enforcement notice and resolved enforcement action be delegated to planning officers. **Enforcement Notice issued on 25 October 2019.**
- 13 Both DC/19/111793 and the enforcement notice were appealed by the applicant. Appeals APP/C5690/C/19/3242363 and APP/C5690/W/20/3245112 were heard at a Public Inquiry.
- 14 **APP/C5690/W/20/3245112** which was the appeal of the refused Section 73 application was **dismissed by the Planning Inspector.**
- 15 **APP/C5690/C/19/3242363** which was the appeal of the enforcement notice, the Planning Inspector **varied the enforcement and dismissed the appeal.** Further to this, the Planning Inspector also refused “deemed application” to retain the as-built building on the site.
- 16 A copy of the appeal decisions are attached at **Appendix 3.** It is highlighted to Members that the increased height of the building (and other differences between the as-built and proposed scheme that fall outside the scope of the current application) have previously been assessed as part of DC/19/111793. Items not enforce against at that juncture were deemed acceptable in planning terms as per the planning assessment set out in Appendix 1.
- 17 Planning Statutory Review Claims were initiated against the appeal decisions by the applicant, however permission to proceed under s288 and s289 of the TPCA 1990 was refused by High Court on the 16th November 2021 – **Permission to proceed refused**
- 18 The applicants sought pre-application advice in January 2022 (PRE/21/124889) in respect of alterations to the as-built school. **Response issued 13 January 2022**

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 19 The current application is an application submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) for the variation of Conditions 2 (Approved Plan) 8 (External Materials) and 14 (Travel Plan) 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, 208 Sydenham Road SE26 and the construction of a three storey school building including a nursery, a multi-function sports court and a running track, together with the creation of a formal pedestrian access from Home Park, the provision of cycle and scooter spaces, refuse storage and

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associated landscaping works to provide the amalgamation of the Infant and Junior Schools, proposing:

- The removal of the existing cladding and the installation of terracotta exterior cladding
- The installation of a brick plinth
- The installation of window reveals and window frame colouration
- Roof profile alterations
- Removal of associated grilles and vents and replacement with air bricks
- Landscaping improvements
- Travel planning details

4 CONSULTATION

4.1 APPLICATION PUBLICITY

20 Site notices were displayed by Officers on 2 March 2022 and a press notice was published on 9th March.

21 Consultation letters were sent on the 2 March 2022. These were sent to 316 addresses, which included the addresses consulted on the original planning application in 2016, anyone who commented on application DC/19/111793 and who commented at appeal stage.

22 Ward Councillors were also consulted on the 2 March 2022.

23 [6] number responses received, comprising [2] objections, [4] support and [0] comments.

4.1.1 Comments in objection

Comment	Section/ Para where addressed
The building should be demolished and rebuilt in a way that complements and enhances this part of Sydenham.	This application seeks amendments to DC/16/096041.
Terracotta rendering in an area built of yellow stock brick is not appropriate.	Members are advised that terracotta tiles are proposed and not a terracotta render. Paras 64-74
The use of a s73 application is problematic	Section 6

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Issues with the roof top classroom.	Amendments to the rooftop playground were not enforced against and therefore have deemed consent.
No mention of Environmental Impact Assessment (EIA) regulation procedures being undertaken.	The application does not fall with Schedule 1 or 2 of the EIA regulations.
No information about whether the building's environmental performance matches the original specification.	The building is still required for comply with the required BREEAM standards.
Proposals do not mitigate the bulk of the as-built structure.	The scale of the as-built building was deemed acceptable on DC/19/111793.
The widely spaced fins will produce a very poor effect	The spacing of the fins was deemed acceptable on DC/19/1179.
The change in colour of the building does not address its harm and is not in keeping with the character of the area	Section 7.1
The colour of the material is not appropriate	Section 7.1
The proposed panel system will give rise to visual issues	Para 73
Lack of articulation due to the loss of the window reveals and recesses	Paras 76-84
The submitted Sustainability Impact Assessment does not consider all relevant matters	Section 7.4
The roof profile has not been addressed	The roof profile of the main building was not enforced against; only the overhanging element on the Fairlawn Park Elevations was enforced against and this is discussed in para 85.
The height of the nursery has not been addressed	The height of the nursery was not enforced against and was deemed acceptable in DC/19/111793
The nursery entrance has not been addressed	The nursery entrance was not enforced against and was deemed acceptable in DC/19/111793.

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Insufficient detail in respect of how fire blocks will be managed to protect windows	This is a Building Control matter
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24 A number of other comments were also raised as follows:

Further applications should not be submitted. Officer Response: While the as-built school is not in accordance with the plans approved by DC/16/96041, the applicant is legally entitled to seek amendments which will be assessed against policy and that may be capable of securing compliance with the Enforcement Notice.

Local residents should have been involved in pre-application discussion. Officer Response: The pre-application process is between the Council and Applicants for any scheme. Consultation with neighbours prior to a formal planning application being submitted is at the discretion of the applicant.

Local residents should have a say in the colour of the building Officer response: It is at the discretion of the applicant if they wish to amend the colour of the proposals. Officers have made an assessment of the proposals submitted by the applicant against policy.

4.1.2 Comments in support

Comment	Para where addressed
The submission will improve the appearance of the building.	Noted by officers
The proposed brick landscaping is impressive.	Noted by officers
The new design looks great and will greatly improve the street scene.	Noted by officers

25 A number of other comments were also raised as follows:

26 The works should be granted as soon as possible to allow the works to be undertaken during the Summer Holidays.

27 The half-finished building is jeopardising the education of the children.

4.2 INTERNAL CONSULTATION

28 The following internal consultees were notified on 2 March 2022.

29 Urban Design: No objection see section 7.1.

30 Children and Young People: No response received.

31 Environmental Protection: Confirmed that no comments to be made.

32 Environmental Sustainability: No response received.

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- 33 Highways: No objection to travel plan. Highways officers require a revised construction management plan to be secured by condition.
- 34 Planning Policy: No response received.
- 35 Ecological Regeneration Manager: Clarification needed in respect of extent of green roof. Also planting needs to be amended as some non-native species are proposed.
- 36 Early Years Improvement Team: No response received.
- 37 Parks Manager: No response received.

4.3 EXTERNAL CONSULTATION

- 38 The following External Consultees were notified on 2 March 2022.
- 39 Sydenham Society: **No objection.** Comments were received and these are set out in the table below.

Comment	Para where addressed
The arrangement of the panels makes the building look squat.	Para 73
Alternative colours should be proposed.	The colour of the brick was revised during the course of the application.
Articulation is lacking from the facade	Section 7.1
The use of mortar in the brick work will help with articulation	It is noted to Members that mortar will be used
Confirmation of material used for top of roof gable.	The material is confirmed in the application.
Retention of windows will not protect pupils from air pollution	Application DC/19/111793 was not refused due to air quality concerns from openable windows.
Changing the windows will ensure the correct depth of reveal which will also add interest to the frontage.	Para 76-84
Update on Home Park Works is required.	It is noted to Members that the works to Home Park were approved by Planning Committee on application DC/17/100284. The Diocese have undertaken the works that they can and the remainder of the works are required to be undertaken by Council contractors.
Planting to the front is welcomed.	Noted by officers
Details of signage required.	Revised plans were received in respect of signage Para 99

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40 Forest Hill Society: No comments received.

4.4 LOCAL MEETING

41 A Local Meeting was held on the 6 April 2022. The invite to the local meeting was included in the consultation letters sent on the 2 March 2022.

42 The meeting was held at OLSPN School and was chaired by Emma Talbot, Director of Planning.

43 38 attendees signed the attendance sheet.

44 The summary note of the local meeting is attached at **Appendix 4**.

5 POLICY CONTEXT

5.1 LEGISLATION

45 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).

5.2 MATERIAL CONSIDERATIONS

46 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.

47 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.

48 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 aforementioned directions and the test of reasonableness.

5.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

5.4 DEVELOPMENT PLAN

49 The Development Plan comprises:

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- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

50 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- All London Green Grid (March 2012)
- 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)
- Social Infrastructure (May 2015)
- Energy Assessment Guidance (October 2018)

6 APPLICATION TYPE AND SCOPE OF APPLICATION

51 The application has been made under Section 73 of the Town and Country Planning Act 1990 to develop land without compliance with conditions previously attached. The conditions proposed to be altered are 2 (approved plans) 8 (materials) and 14 (travel plan).

52 Planning Practice Guidance (2014): Amended consultation requirements for applications under S.73 of the Town and Country Planning Act 1990 were brought into force on 1 October 2009, via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 (SI 2009 No. 2261).

53 Guidance states, that “a minor material amendment is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from one which has been approved”. This is not a statutory definition. It is the judgement of the LPA, on an individual case-by-case basis, as to whether the alterations to the original scheme are non-material, minor material or so material as to warrant a new planning application.

54 If granted the legal effect of an application made under Section 73 is to generate a new planning permission with the amended conditions then placed on the application.

55 During the assessment of previous section 73 application (DC/19/111793), legal advice was sought on the implications of accepting a section 73 application to vary the scheme, as opposed to requiring a ‘fresh’ full application. The legal advice received advised that accepting a section 73 is legally permissible and that it is a matter of planning judgement as to whether the scheme alterations are sufficiently ‘minor’ to fall within a section 73 application. Further to this, the Planning Inspector determined appeal APP/C5690/W/20/3245112 on a section 73 application and in paragraph 33 of the appeal decision attached at Appendix 3, it is set out that the Planning Inspector

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envisaged that further application might be made and that could be a section 73 application. Considering this, a section 73 application is still considered to be appropriate.

56 Under a section 73 application an applicant can seek amendments and officers can only assess amendments within the scope of the application that applicants are applying for. The assessment and decision for the current application is whether the proposed amendments are acceptable amendments to the original 2016 permission and not against the as-built building and the harm identified by the Planning Inspector. For Members reference, whether the planning harm arising from the as-built scheme has been addressed and compliance with the enforcement notice secured are delegated matters. That the current scheme's ability to secure compliance with the Enforcement Notice in future is material consideration that Members may take into consideration, but it does not form part of an assessment of the acceptability of the s73 application.

57 It is highlighted to members that matters included in the scope of the Enforcement Notice do not fall to be considered in this application. This is because the Enforcement Notice as worded by officers, effectively gave permission to these elements by under enforcing. This was based on legal advice received in 2019 and it is noted that matters outside the scope of the Enforcement Notice were not re-opened by the Planning Inspector. The elements include the height of the buildings, the hall building, the nursery, the UKPN Cabinets and External Store. For Members reference, the discussion of these elements can be found in section 9.1.1 of the committee report for DC/19/111793, which is attached at **Appendix 2**.

7 PLANNING CONSIDERATIONS

58 The main issues are:

- Urban Design
- Impact on Adjoining Properties
- Transport
- Sustainable Development

7.1 URBAN DESIGN

General Policy

59 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

60 Policies D4 and D6 of the London Plan emphasise that the 'scrutiny of a proposed development should cover its layout, scale, height, land uses, materials, architectural treatment, detailing and landscaping'.

61 Core Strategy Policy 15 outlines how the Council will apply national and regional policy and guidance to ensure the highest quality design, and the protection and enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of the site, is sensitive to local context, and responds to local character.

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62 DM Policy 30 requires planning applications to demonstrate site specific response which creates a positive relationship with the existing townscape whereby height, scale and mass of the proposed development relates to the urban typology of the area.

Discussion

63 As set out above, officers can only consider the amendments that are in the scope of this application. The discussion on the matters deemed acceptable as per DC/19/111793 and which were not enforced on are not set out here; this discussion can be found in **Appendix 2.**

The removal of the existing cladding and the installation of terracotta exterior cladding

64 The application proposes to remove all of the external cladding on the Main Building. This is supported, as the Planning Inspector identified in appeal decision APP/C5690/C/19/3242363 that 'as-built' building causes harm to the character and appearance of the area.

65 On first and second floors of the Sydenham Road, Fairlawn Park and Playground elevations, two types of terracotta are proposed. A Terracotta 'Argeton' panel cladding in natural red is proposed on the main facades; this is a natural 'through colour' material with a texture and it does not require a glaze or applied face finish. The panels would be 600mm wide by 300mm high. Where the panels join, a vertical gap of 8mm would be left between the panels and the horizontal gap where the panels would interlock together would be 12mm. On the corner elements, an aluminium corner profile is proposed and this would colour match the terracotta panels.

66 In between the gabled elements, an iron grey terracotta ridged panel (Terzo) is proposed. The face of these panels would be broken down into ribs and due to this the horizontal gap between the individual panels would be hidden resulting in the appearance of a single ribbed material. The panels would be recessed from the main façade by 70mm.

67 Figure 1 below is extracted from the submitted Design and Access Statement which demonstrates the layout of the terracotta panels. As can be seen in the figure the terracotta panels on the main façade would align with the windows within the elevations. Figure 1 also shows how the grey ridged panels would result in the appearance of a single ribbed material in the gabled elements.

68 The use of red coloured terracotta panel is considered to add a sense of warmth to the elevations, which is missing from the as-built building and envisaged in the original proposal. As terracotta is a natural material it would have texture, which would add variation to the elevation which the Planning Inspector identified in appeal decision APP/C5690/W/20/3245112 as not being provided in the previous proposals.

69 The thickness of the red terracotta panels and the joints between the panels will provide a perception of depth to the elevations and will allow for shadowing to provide articulation to the elevations. The recessing of the proposed ribbed panels is considered to help break up the massing of the building through the creation of relief within the elevations. Further to this, the recessed ribbed panels are considered to add a feeling of depth to the building; which the Planning Inspector identified in appeal decision APP/C5690/W/20/3245112 as not being provided in the previous proposals.

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- 70 The proposed alignment of the panels with the window joins is considered to be appropriate and result in elevations with a coherency as approved in 2016. For member's reference, it is noted that there is no consistency in the joins of the as-built building.
- 71 It needs to be considered as whether the proposed amendments would result in a degradation of the design quality approved on the 2016 application. Whilst it is acknowledged that a different material and colour palette is proposed, the proposed terracotta panel by reason of their colour, texture, and the positioning of the materials is considered to relate the local character and appearance and considered to result in a building of the same design quality as originally approved in 2016.
- 72 Officers acknowledge that concern has been raised in respect of the panels being arranged horizontally would result in the building appearing 'squat' and that they should be arranged vertically. It is considered that if the panels are arranged vertically this would add to the perception of height to the building. Officers do not consider that the arrangements of the panels would result in the building appearing 'squat', the arrangement of the panels, the joints and recessing of the ribbed panels is considered to add relief to the building as intended within the consented 2016 design.
- 73 Officers also acknowledge that comments were made at the local meeting in respect of yellow London Stock tones being used. Officers consider this would not be appropriate for an important civic building in a prominent location within the street scene. The use of red is considered to provide warmth to the elevations and is considered to be of equal design quality to that approved in 2016.

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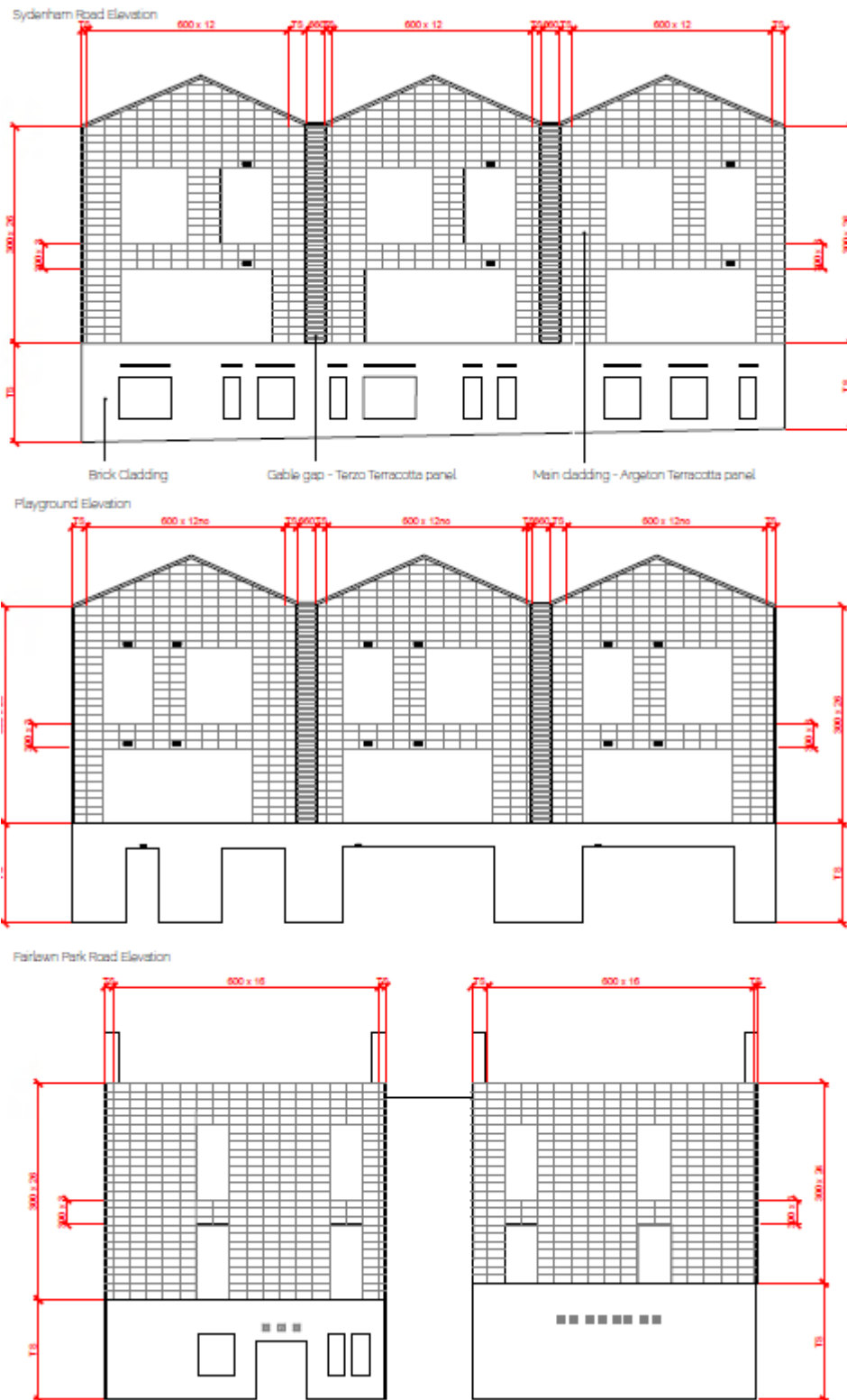


Figure 1 Arrangement of terracotta panels

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The installation of a brick plinth

- 74 In 2016 a brick plinth was approved to the hall building and it was consented for the nursery building to have a brick finish. The main building was approved with a brick plinth in 2016. This application proposes to introduce a brick plinth on the main building. On the current application it was initially proposed for the brick plinth to be comprised of Corium brick cladding in a sanded red stock colour. Following feedback at the local meeting the colour of the brick was amended to blue-grey. The blue-grey brick would be used on the plinth of the hall building and on the nursery building and wall along Fairlawn Park so that one brick colour is proposed. The introduction of a brick plinth to the main building is considered to aid in reducing the visual bulk and massing of the approved building. The use of a textured brick is also supported as this is considered to introduce variation and texture to the elevations, which was intended by the materials indicated in the 2016 approval.

The installation of window reveals and window frame colouration

- 75 The 2016 consent was approved with full height picture windows and with the windows being set at differing depths within the external walls; some windows were recessed. The windows approved on the 2016 application that did include opening lights, these windows were recessed.
- 76 It is highlighted to Members that in 2019 Officers did not consider the proposal to spray the windows and retain them to be acceptable at that juncture; the Planning Inspector also did not consider the window proposals to be acceptable. However Planning Officers are obligated to consider if the current windows proposals for retention that provide new information on treatment to the frames may be acceptable on balance. This would include consideration of the existing policy context and sustainability issues raised by the Inspector in the appeal decisions.
- 77 On the playground elevation, the window arrangement at first and second floor levels is not consistent between the 'gabled elements' as shown in Figure 2 below, which is extracted from the submitted Design and Access Statement. The window arrangements highlighted in red in Figure 2 are expanses of curtain walling which are flat within the elevation. This application seeks to instate the window arrangement highlighted in green in Figure 2 across each 'gabled element' on the playground elevation. This would introduce a consistent fenestration arrangement on the upper levels off the playground elevation and would introduce depth to the elevations as intended by the 2016 scheme.



- 78 It is proposed for the existing windows to be retained and sprayed to change the colour from white to blue (RAL 5010) at ground floor level and grey on the upper levels (RAL 9007). It is highlighted to Members that in appeal decision APP/C5690/W/20/3245112, the Planning Inspector set out in paragraph 16, that it would be possible to impose a

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condition to provide that windows were re-sprayed regularly to mitigate the harm caused by the colour of the frames; the Planning Inspector did not object to the principle of the spraying of window.

- 79 Compared to the previous s73 proposal (which was the subject of the appeal) a different spray product is proposed. Four coats of two-pack acrylic enamel Lechler paint is proposed to all of the windows, doors and curtain walling. The submission details that paint on the windows is expected to last for 25 years and 15 years on doors; this is compared to 7 years for the product proposed on the previous proposal. This information was not before the Planning Inspector in the appeal process.
- 80 In addition to the spraying of the existing window frames, aluminium reveals are proposed to be added to all windows. At ground floor level the reveals would be blue (RAL 5010) and grey on the upper levels (RAL 9007) as to colour match the window the colour of the paint for the windows.
- 81 The blue spandrel panels that have been installed in the windows are proposed to be removed and replaced by aluminium louvre panels which would be aluminium grey (RAL 9007) in colour. This element would re-introduce louveres which were approved on the original planning application and is a welcomed change.
- 82 The spraying of the windows to change their colour, in combination with the proposed window reveals, layout and arrangement of the terracotta panels and the reintroduction of louvre panels are considered to result in a perception of depth to the elevations which breaks up the massing of the building, thus retaining the design intent approved in 2016. Officers highlight that it is the combination of the proposals (and not solely the spraying of the windows) that results in the proposals retaining the design intent of the 2016 approval and the proposals being considered to be of the same design quality as approved in 2016. For member's reference, the combination of the proposals to the façades is also considered to overcome the harm identified by the Planning Inspector.
- 83 The submission indicates that the School is willing to add the re-spraying of the windows to its maintenance plan and are willing to accept a condition in respect of this. A maintenance plan for the maintenance and re-spraying of the windows would be secured by condition. A condition is also attached in respect in the event of the window frame treatment is not in accordance with the manufacturer's specifications and what remedial action is required. Planning Officers consider this condition to be necessary given the site history.

Roof profile alterations

- 84 On the Fairlawne Park elevation, a continuous eaves has been constructed whereas the original planning permission was approved with pitched roofs to each gabled element. The continuous eaves element proposed to be removed and gable flanks are proposed to be added to break up the existing mono-pitched roof which would result in the appearance that the front and rear elements of the building as separate masses separated by the glazed curtain wall element. In appeal decision APP/C5690/W/20/3245112, the Planning Inspector set out that removal of the roof element over the recess would help to reduce the massing of the building in this location and result in an appearance consistent with the 2016 consent; Officers still consider this to be the case.
- 85 A parapet is proposed with a hidden gutter in place of the existing eaves and exposed gutters and it is proposed for the downpipes to be relocated to the sited in the recess of

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the curtain wall element on Fairlawn Park. These elements are considered to aid in the decluttering of the elevations and be in line with the design intent of the 2016 consent.

- 86 A pointed apex coping to the gabled elements and a continuous coping to the new parapet are proposed and are supported by Officers.

Removal of associated grilles and vents and replacement with air bricks

- 87 On the Sydenham Road elevation, it is proposed for the existing grilles and vents to be removed; this removal is supported. At ground floor level, vent bricks are proposed which would be aligned above each window. On the upper levels, six of the terracotta panels would incorporate integrated vents; the vents would be positioned the same on each 'gable element'. On the Playground elevation, at ground floor level three vent bricks are proposed and these would be sited above the single door openings. On the upper levels of the Playground elevation, twelve of the terracotta panels would incorporate integrated vents; the vents would be positioned the same on each 'gable element'.

- 88 The rationalisation of the siting of the vents incorporated within the bricks and terracotta is considered to be akin to the intention on the 2016 consent. As vents would be incorporated within the brickwork and terracotta panels, the vents would be in keeping with the elevations and would not result in any harm to the elevations.

- 89 On the Fairlawn Park elevation, the existing cowls would be retained and coloured to match the brickwork and further to this, the vents of the external wall of the nursery building would be retained and coloured to match the brickwork. The colouration of these elements to match the brickwork is considered to reduce their prominence within the elevation.

Landscaping improvements

- 90 To the front of the Hall Building on Sydenham Road a dwarf wall is proposed which would incorporate a planter and railings is proposed. This was not approved on the consented scheme. The dwarf wall has taken cues from the dwarf wall at Explorer House opposite the application. The wall would be constructed in the same colour as the brick plinth and the railings would be blue (RAL 5010) in colour. The introduction of the planter wall is supported and considered to be a planning benefit of the proposal.

- 91 Planting is proposed on the junction of Sydenham Road and Fairlawn Park, the principle of this is acceptable. It is noted that this was not initially envisaged in the 2016 scheme but this element is a positive design feature that would accord with the original design to integrate the building into the area and is welcomed.

- 92 The Council's Ecological Regeneration Manager raised concern about some of the species proposed as such revised planting is required to be submitted as part of a soft landscaping condition.

- 93 Amendments to the approved soft landscaping are required due to a sewer under the playground preventing trees from being planted. The final details would be secured by condition.

- 94 The 2016 consent was approved with green roofs on the main roof, nursery roof and on the roof of the store building. On this application, green roofs are no longer proposed on the store building. The reduction in the extent of the green roof weighs against the

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proposals, but this is not considered to result in such harm that would warrant a refusal on this ground.

Other matters

- 95 Lighting has been installed on Sydenham Road, Fairlawn Park and Playground elevations, it has not been installed a consistent height nor has it be installed in line with the cladding joints. It is proposed for the existing lights to be removed and reinstated in a consistent line and in line with panel joints. The proposed alterations to the lighting is considered to aid in the decluttering of the elevations and return to the design intent of the 2016 consented scheme.
- 96 It is proposed for the existing canopies within the playground to be recoloured to be grey (RAL 9007) in colour; this would match the grey of the windows on the upper floors. This amendment is supported.
- 97 The ball fence that was deemed acceptable on the roof playground of the Hall building on the previous application (DC/19/111793) has a height of 1.8m, this application proposes to increase the height to 3m. The 3m ball fence would not extend above the fins of the hall building and as is considered acceptable. It is highlighted that the hours of operation of the rooftop playground are the same as the school.
- 98 The submitted elevations have provided details of the location and size of signage. On the Sydenham Road elevation, on the main building individual letters are proposed on the brick plinth spelling out the name of the school. On the hall building a sign/notice board is proposed and a motif logo is proposed to be added to a window in the linking element between the main and hall building. On the Fairlawn Park elevation and at the Home Park entrance motif logo signs are proposed. The locations and size of the signage is considered to be acceptable given the school use of the site and the final details of the signage (including material) will be secured by condition.

7.1.1 Urban design conclusion

- 99 The combination of the proposed amendments, particularly the introduction of the terracotta panels, brick plinth, addition of window reveals and the roof profile alterations are considered to break up the massing of the façades through the creation of relief the perception of depth to the elevations as approved on the 2016 consented scheme. Further to this, the use of terracotta and textured brick for the plinth is considered to introduce the texture as approved in 2016.
- 100 The combination of the proposals results in the scheme retaining the design intent of the 2016 scheme and is considered to be of the same design quality. The small reduction in green roof area weighs against the scheme but this is not judged to have a significant impact on the urban design of the proposal overall. The range of proposals to the facades including provision of window reveals and a high quality spraying strategy to address the frame colour, together with the provision of high quality textured cladding in part mitigates the planning harm arising from the asymmetrical retained window design that is a departure from the 2016 scheme. In coming to this view, Planning Officers have also considered the Design Officer's positive view of the overall strategy to address the window retention, and the Inspector's view around the sustainability implications of the removing the in situ windows (as set out in the section below.)
- 101 On balance, Planning Officers consider the alterations to the approved 2016 scheme to retain the high quality design approved by committee and to address the concerns

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raised by the Planning Inspector in the appeal decision. Officers consider that the cumulative proposed amendments to the 2016 consent are considered to result in a building with the same design quality as approved in 2016 and to comply with paragraph 126 of the NPPF (2021), Policies D4 and D6 of the London Plan (2021), Core Strategy Policy 15 (2011) and DM Policy 30 (2014).

7.2 TRANSPORT IMPACT

General policy

- 102 The NPPF at paragraph 110 states that planning decisions should ensure safe and suitable access to the site for all users, and that any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated on to an acceptable degree.
- 103 Paragraph 111 of the NPPF states ‘development should only be prevented or refused on transport grounds if there would be unacceptable impact on highway safety of the residual cumulative impacts on the road network would be severe’.

Discussion

- 104 This application seeks to vary the wording of Condition (14) Travel Plan that was attached to the original application (DC/16/096041), this is because the applicants are seeking to discharge the condition within this application and update the wording to reflect this.
- 105 The current wording of Condition (14) Travel Plan is set out below:
- (a) Within 3 months of occupation of the development hereby approved, a School Travel Plan, in accordance with Transport for London’s document ‘Travel Planning for New Development in London’, shall be submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan once approved.
 - (b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives. The Travel Plan must include use of the buildings/site for community purposes.
 - (c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).
- Reason:** In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).
- 106 The objectives of the submitted Travel Plan include improvements upon existing levels of active travel amongst pupils and staff, to reduce staff and pupil solo car travel and encourage public transport and active transport modes. The plan sets out the targets and measures for each objective within the plan. The submitted Travel Plan has been

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reviewed by Highways Officers who confirmed that the Travel Plan is acceptable. As such the wording of Condition 14 is required to be amended to:

The school shall operate in full accordance with the measures identified in School Travel Plan (prepared by WSP, dated February 2022) hereby approved.

Reason: In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

107 Further to the amendments to Condition 14, an additional condition is proposed in respect of the monitoring and review mechanism for the Travel Plan.

108 It is highlighted for Members reference that access to the school is an operational issue.

109 A Construction Management Plan would be secured by condition to ensure the impacts of the construction and construction vehicles on the local highways network would be acceptable. This condition would be a pre-commencement condition.

7.2.1 Transport impact conclusion

110 The amendments proposed in the scope of this Section 73 application as are considered to be acceptable subject to Construction Management Plan being secured by condition.

7.3 LIVING CONDITIONS OF NEIGHBOURS

General Policy

111 NPPF para 130 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 this is reflected in the relevant policies of London Plan Policies D3 and D6, and DMLP 30 and 32.

Discussion

112 Officers can only have regards to the impacts of the proposed amendments included in the scope of this application on neighbouring amenity. For member's reference, an assessment on matters not enforced against such as building height can be found in Section 9.2 of Appendix 2.

113 The removal of the existing cladding and installation of terracotta exterior cladding, the installation of a brick plinth, the installation of window reveals and window frame colouration, roof profile alterations and the removal of associated grilles and vents and replacement with air bricks would not have an impact on neighbouring amenity.

114 This application proposed landscaping improvements that have not been previously proposed, namely the introduction of a planter within a dwarf wall to the front of the Hall Building along Sydenham Road. Considering the scale of the wall and planter, and its relationship with neighbouring properties, it would not have an impact on neighbouring amenity.

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7.3.1 Impact on neighbours conclusion

115 The amendments proposed within this applications are considered to have no impact on neighbouring amenity.

7.4 SUSTAINABLE DEVELOPMENT

General Policy

116 Paragraph 153 of the NPPF requires Local Planning Authorities to take a proactive approach to mitigating and adapting to climate change, taking into account the long term implications for flood risk, coastal change, water supply biodiversity, and landscapes, and the risk of overheating from rising temperatures. Policies and decisions should support appropriate measures to ensure the future resilience to communities and infrastructure to climate change impacts.

117 Policies SI 2 Minimising greenhouse gas emissions and SI 7 Reducing waste and supporting the circular economy also reflect the principles of the NPPF.

118 CS objective 5 reflects the principles of the NPPF and set out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 7 and DM Policy 22 support this.

7.4.1 Energy and carbon emissions reduction

Policy

119 Part 2 of London Plan Policy SI 7 states that waste minimisation should be encouraged and waste should be prevented through the reuse of materials.

120 CSP 8 seeks to minimise carbon dioxide (CO₂) emissions of all new development and encourages sustainable design and construction to meet the highest feasible environmental standards.

Discussion

121 The submitted Design and Access Statement sets out that the removal and replacement of fit for purpose windows so early in their lifespan would be unsustainable during the on-going climate emergency. The application is accompanied by a Fenestration Strategy Environmental Analysis- Rev 01 (prepared by Impact Sustainability, dated 11 February 2022). The report sets out that if all of the windows are removed and replaced it would likely generate 66,417kg of carbon emissions whereas the proposal generates 35,048kg of carbon emissions.

122 Considering the context of policy SI 7 of the London plan, policies in respect of reducing emissions and the Council declaring a Climate Emergency, the retention of the existing windows early in their lifespan is considered to be positive benefit of the scheme in sustainability terms and in line with the Inspector's reasoning around window retention. Planning Officers note the specific information about carbon emission reduction was not before the Inspector when coming to conclusion on the appeal scheme. Planning Officers also note that notwithstanding any assessment of emissions reduction, the scheme is suitable in design terms as per the assessment above. The retention of the windows is considered to be in accordance with London Plan policy and is a positive feature of the scheme in sustainability terms.

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LOCAL FINANCE CONSIDERATIONS

- 123 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).
- 124 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 125 The CIL is therefore a material consideration.
- 126 As like in 2016, the application is CIL liable. There are special reliefs within the CIL regime to cater for changes by a Section 73 permission.

8 EQUALITIES CONSIDERATIONS

- 127 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.
- 128 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.
- 129 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.
- 130 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/technical-guidance-public-sector-equality-duty-england>

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- 131 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
- 132 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: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 133 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.

9 HUMAN RIGHTS IMPLICATIONS

- 134 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
- Article 8: Respect for your private and family life, home and correspondence
 - Article 9: Freedom of thought, belief and religion
 - Protocol 1, Article 1: Right to peaceful enjoyment of your property
 - Protocol 1, Article 2: Right to education
- 135 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.
- 136 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.
- 137 This application has the legitimate aim of providing seeking amendments to a school which granted planning permission in 2016. The rights potentially engaged by this

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application as set out above are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

- 138 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 139 This application seeks amendments to an as-built school which was not built in accordance with the approved plans of DC/16/096041.
- 140 The combination of the proposed amendments, particularly the introduction of the terracotta panels, brick plinth, addition of window reveals and the roof profile alterations are considered to break up the massing of the façades through the creation of relief the perception of depth to the elevations as approved on the 2016 consented scheme. Further to this, the use of terracotta and textured brick for the plinth is considered to introduce the texture as approved in 2016
- 141 The combination of the proposals results in the school retaining the design intent and quality of the 2016 proposal. The minor reduction in the green roof area and the window retentions give rise to a comparatively small amount of planning harm, however this harm is balanced by planning merits of the scheme, including the range of design proposals such as cladding, window reveals, landscaping and treatment to in-situ windows and signage to proactively address the design issues resulting from as-built school, as recorded by the Inspector in the appeal decision. The proposed alterations are considered to be acceptable in terms of transport impacts, impact on neighbouring amenity and in terms of sustainability.
- 142 Officers consider that the cumulative proposed amendments to the 2016 consent are considered to result in a building with the same design quality as approved in 2016 and to comply with paragraph 126 of the NPPF (2021), Policies D4 and D6 of the London Plan (2021), Core Strategy Policy 15 (2011) and DM Policy 30 (2014).
- 143 Subject to the imposition of conditions, the development is considered acceptable and in accordance with the development plan. For member's reference, if members are minded to agree with the officer's recommendation, the full description of the 2016 application will be included in the description on the Decision Notice.

11 RECOMMENDATION

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

11.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

The development to which this permission relates must be begun not later than four months beginning with the date on which the permission is granted.

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Reason: As required by Section 91 of the Town and Country Planning Act 1990.

2) **APPROVED PLANS**

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

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2388-CAL-XX-XX-DR-A-0108_S4-P2; 2388-CAL-XX-XX-DR-A-0109_S4-P2; 2388-CAL-XX-XX-DR-A-0110_S4-P2; 2388-CAL-XX-XX-DR-A-0111_S4-P2; 2388-CAL-XX-XX-DR-A-0112_S4-P2; 2388-CAL-XX-XX-DR-A-0113_S4-P2; 2388-CAL-XX-ZZ-ZR-DR-A-0114_S4-P; Design and Access Statement (prepared by Cowan Architects, dated April 2022)

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) **REVISED CONSTRUCTION MANAGEMENT PLAN**

No development shall commence on site until such time as a Revised 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) 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.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan

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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 SI1 Improving air quality and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

4) **SITE CONTAMINATION**

(a) The development hereby approved shall not be carried other than in accordance with the desk top study, site investigation report and remediation scheme approved under DC/18/105798 dated 29/01/2019.

(b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.

(c) Within 3 months of the completion of the relevant works a closure report shall be submitted to and approved in writing by the Local Planning Authority.

This shall include verification of all measures, or treatments as required in (Section (a) i & ii) and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full.

The closure report shall include verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality requirements as agreed by the authority. Inherent to the above, is the provision of any required documentation, certification and monitoring, to facilitate condition requirements.

Reason: To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

5) **PLANT NOISE**

The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:2014.

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Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

6) **BREEAM**

(a) The buildings hereby approved shall achieve a minimum BREEAM Rating of 'Very Good' in accordance with DC/18/105485 granted 20 March 2018.

(b) Within 3 months of the completion of the works to the building, a Design Stage Certificate for each 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 the completion of works to 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 Policy SI 2 Minimising greenhouse gas emissions of the London Plan (March 2021) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

7) **ARCHEOLOGICAL WORKS**

Development shall be carried out in accordance with the programme of archaeological works approved under application reference DC/17/100482 granted 22 May 2017.

Reason: To ensure adequate access for archaeological investigations in compliance with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy HC1 Heritage conservation and growth of the London Plan (March 2021)

8) **MATERIALS**

(a) The development shall be constructed in those materials as set out in Section 13.0 of the Design and Access Statement (prepared by Cowan Architects, dated April 2022) and Lechler – Lechsys- LS143 (29143) Acryl 2K and in full accordance with the following plans:

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2388-CAL-XX-XX-DR-A-0112_S4-P2; 2388-CAL-XX-XX-DR-A-0113_S4-P2;
2388-CAL-XX-ZZ-ZR-DR-A-0114_S4-P

(b) The scheme shall be carried out in full accordance with those details, as approved.

Reason: To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with 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.

9) **CYCLE PARKING**

The cycle parking approved under DC/16/099555 dated 21 March 2017 shall be provided and made available for use within 3 months of the completion of the building.

Reason: In order to ensure adequate provision for cycle parking and to comply with policy 14: Sustainable movement and transport of the Core Strategy (2011).

10) **HARD LANDSCAPING**

The hard landscaping shall be carried out in accordance with the hard landscaping details shown in L-110 rev E approved on DC/16/096041, within 3 months of the completion of the building.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies SI 12 Flood risk management in the London Plan (March 2021), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

11) **LIVING ROOF**

(a) Prior to the installation of the living roofs hereby approved, full details of the living roof shall be submitted to and approved in writing by the Local Planning Authority.

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- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority within 3 months of the completion of the works.

Reason: To comply with Policy G5 Urban greening in the London Plan (2021) , Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

12) **BOUNDARY TREATMENTS**

The boundary treatments shall be in accordance with the details approved under DC/16/099556 approved 08/08/2017 (excepting the brick of the boundary treatment on the Fairlawn Park elevation shall be blue-grey in colour as per 2388-CAL-XX-XX-DR-A-0109_S4-P2). The boundary treatments shall be retained in perpetuity.

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

13) **HIGHWAYS WORKS**

The works shall be carried out in accordance with the Highways works approved under DC/17/13472 dated October 2017.

Reason: In order to ensure that satisfactory means of access is provided, to ensure that the development does not prejudice free flow of traffic or conditions of general safety along the neighbouring highway and to comply with policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

14) **TRAVEL PLAN**

The school shall operate in full accordance with the measures identified in School Travel Plan (prepared by WSP, dated February 2022) hereby approved.

Reason: In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

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15) SOLAR PANELS

Prior to the solar panels being operational, full details of the solar panels shall be submitted to and approved in writing by the Local Planning Authority. The solar panels shall be retained in perpetuity.

Reason: To comply with policies SI2 Minimising greenhouse gas emissions of the London Plan (2021), Core Strategy Policy 7 Climate change and adapting to the effects and Core Strategy Policy 8 Sustainable design and construction and energy efficiency of the Core Strategy (2011).

16) REVISED SOFT LANDSCAPING

- (a) Within 6 months of the date of this decision, a revised scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham 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).

17) BIRD AND BAT BOXES

The bird and bat boxes approved under DC/16/099548 granted 21 March 2017 shall be installed within 3 months of the completion of the works to the buildings.

Reason: To comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

18) HOME PARK WORKS

Development shall be carried out in accordance with the Home Park works approved under application reference granted 18 September 2017.

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Reason: In order to ensure that the park environment provides an appropriate access for the school in accordance with Core Strategy Policy 12 Open Space and environmental assets and Policy 15 High quality design for Lewisham of the Core Strategy.

19) **HALL OPENING HOURS**

The community hall hereby approved shall not be open for use beyond 9pm Monday to Sunday unless agreed in writing with the Local Planning Authority.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration of the Development Management Local Plan (November 2014).

20) **WINDOWS MAINTENANCE PLAN**

(a) A window maintenance plan for the re-spraying of the windows shall be submitted to Local Planning Authority within 3 months of the completion of the works to the building.

(b) The windows shall be maintained in accordance with the approved maintenance plan.

Reason: To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with 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.

21) **WINDOW SPRAY**

(a) Following completion of the window spray hereby approved, written confirmation from the manufacturer that the application of the product has been completed in accordance with the approved manufacturer's specification shall be submitted in writing to and for approval by the Local Planning Authority. The windows shall be maintained in the accordance with window spray approved.

(b) In the event that the applicant is unable to provide the manufacture's confirmation required by part (a), within six months of the completion of the window treatments, a Remedial Action Plan (RAP) setting out details of a re-application of the window treatment to the manufacture's specification shall be submitted in writing to and for approval by the Local Planning Authority. The re-application shall be in accordance with the approved RAP and maintained thereafter.

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Reason: To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with 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.

22) TRAVEL PLAN MONITORING

Within the time scales specified with Travel Plan (prepared by WSP, dated February 2022), evidence shall be submitted to the Local Planning Authority demonstrate the compliance with the monitoring and review mechanisms.

Reason: In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

23) SIGNAGE

Prior to the installation of signage, full details shall be submitted and approved in writing by the Local Planning Authority. The signage should be retained in perpetuity.

Reason: To ensure that the local planning authority may be satisfied as to the appearance of the signage and to comply with Policy 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.

11.2 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 discussions took place which resulted in further information being submitted.

- 2) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An 'assumption of liability form' must be completed and before development commences you must submit a 'CIL Commencement Notice form' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myserVICES/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>

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- 3) The applicant is advised that the Enforcement Notice remains extant.
- 4) The applicant is advised that Condition (3) is a pre-commencement condition.

12 BACKGROUND PAPERS

- 145
- 1) Submission drawings
 - 2) Submission technical reports
 - 3) Internal consultee responses
 - 4) Statutory consultee responses
 - 5) Original Permission – DC/16/096041

13 REPORT AUTHOR AND CONTACT

- 146 Georgia McBirney, Georgia.McBireny@Lewisham.gov.uk, 020 8314 7118

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