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17<sup>th</sup> May 2021

Alice French  
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TW18 3JQ

Dear Sir/Madam,

**Re: Application pursuant to Section 73 of the Town and Country Planning Act (1990) to vary condition 2 (approved plans) of planning application 19/01828/FULM dated 1<sup>st</sup> July 2020 (as amended by 19/01828/FULMMIN02) for the demolition of the existing building and redevelopment to provide a part five, part four-storey building with Use Class D2 at ground floor level, undercroft parking, refuse/recycling and cycle store and residential dwellings on the upper floors at the Former Lamorbey Swimming Centre, 157 Station Road, Sidcup, Kent**

This covering letter is submitted on the behalf of Montreaux Station Road Sidcup Limited. It accompanies a Section 73a application submitted under the town and Country Planning Act 1990 to vary condition 2 (approved plans) of planning application 19/01828/FULM. The applicant wishes to start on site in the next few months and seeks approval of this application to allow a viable scheme to be delivered.

**1. Submission Documents and Administrative Matters**

1.1. The following documents have been submitted in support of the application:

- Site Location Plan - Ref: 00-0100-Rev 02
- Proposed Site Plan - Ref: 01-0100-Rev 02
- Proposed Ground floor plan - Ref: 05-0100-Rev 03
- Proposed Mezzanine Floor Plan - Ref: 04-0100M-Rev 02
- Proposed First floor plan - Ref: 05-0101-Rev 03
- Proposed Second floor plan - Ref: 05-0102-Rev 03
- Proposed Third floor plan - Ref: 05-0103-Rev 03
- Proposed Fourth floor plan - Ref: 05-0104-Rev 03
- Proposed roof plan - Ref: 05-0105-Rev 03
- Proposed East and West Context Elevations - Ref: 05-0200-Rev 01
- Proposed Block A & B Elevations - Ref: 05-0201-Rev 02
- Proposed North & South Elevations - Ref: 05-0202-Rev 02
- Proposed Sections A & B - Ref: 05-0203-Rev 01
- Proposed Materials Elevations - Ref: 05-0203-Rev 01
- Proposed Landscaping Plan - Ref: 03-0120-Rev 03
- Affordable Housing and Viability Statement - Quod
- Sustainable Urban Drainage Strategy – Bridges Pound
- Energy Assessment – MG Partnerships
- Transport Note (TN3) – Entran

1.2. The application fee of £234 has been calculated in accordance with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests



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and Site Visits) (England) Regulations 2017 (Statutory Instrument No.1314) (As Amended) and payment has been made via the planning portal.

## **2. Application Planning History**

- 2.1. Application 19/01828/FULM was approved on 1<sup>st</sup> July 2020. The approved description of development was as follows:

*'Demolition of the existing building and redevelopment to provide a part five, part four- storey building with a 1,239 sqm gym (Use Class D2) at ground floor level, undercroft parking, refuse/recycling and cycle stores and 27 residential dwellings on the upper floors comprising 4 x 3 bed, 20 x 2 bed and 3 x 1 bed flats.'*

- 2.2. Following this approval, a S96a application (19/01828/FULMMIN01) was submitted under the Town and Country Planning Act (1990) to correct the approved number of units and the residential mix, which had not been updated prior to issue of the decision to reflect revised plans submitted during the assessment of the application. This application was approved on 21<sup>st</sup> September 2020. This application revised the approved description of development for application 19/01828/FULM to:

*'Demolition of the existing building and redevelopment to provide a part five, part four- storey building with a 1,239 sqm gym (Use Class D2) at ground floor level, undercroft parking, refuse/recycling and cycle stores and 26 residential dwellings on the upper floors comprising 4 x 3 bed, 20 x 2 bed and 2 x 1 bed flats.'*

- 2.3. The High Court found in *Finney v Welsh Ministers* that s.73 of the Act could be used to alter the description of development, as part of an application to vary the approved scheme. However, following the judgement handed down by the Court of Appeal (Lewison, David Richards & Arnold LJJ) in *Finney v Welsh Ministers* [2019] EWCA Civ 1868, it has been held that this is not the case.

The Courts concluded that s73 of the Act may not be used to obtain a varied planning permission when the change sought would require a variation to the terms of the "operative" part of that permission. In this instance the description of development and the specific unit numbers and commercial floor space.

As such an S96a application was submitted to Bexley to amend the description of development to remove the "operative" parts of the description.

Planning application 19/01828/FULMMIN02 was approved by the London Borough of Bexley on 10<sup>th</sup> May 2021, granting the variation of the description of development of application 19/01828/FULM to the following:

*"Demolition of the existing building and redevelopment to provide a part five, part four-storey building with Use Class D2 at ground floor level, undercroft parking, refuse/recycling and cycle storey and residential dwellings on the upper floors"*



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### **3. Proposed Variation of Condition 2 – Approved Plans**

- 3.1. The variations to Condition 2 of approved application 19/01828/FULM are set out in detail below and can be summarised as follows:
- Variation of all approved plans to amend the unit mix and total number of units.
  - Variation of all approved plans to make minor external and massing alterations to the consented scheme.
  - Variation of the approved plans to vary the quantum of commercial (Gym use) floorspace.
  - Supersede approved Landscape Masterplan to amend the landscaping strategy.
  - Supersede approved Energy Assessment to revise the energy strategy for the development.
  - Supersede approved Outline SUDs Strategy to revise the drainage strategy for the development.
- 3.2. In support of the change in unit mix and increase in unit numbers an updated Housing Delivery & Viability Statement and Transport Note has been submitted. Please refer directly to these documents for their conclusions.

#### **Changes to Unit Mix and total number of units**

- 3.3. This application proposes an increase in the total number of units to 31, an overall increase of 5. This increase has been achieved through revising the mix of unit sizes to provide a greater variety of units within the development. The proposed and previously approved accommodation schedules are set out in Table 1 below for reference.

	Proposed Unit Mix		Previously Consented Unit Mix	
	No. units	%	No. units	%
<b>Studio</b>	4	13	0	0
<b>1B2P</b>	13	42	1	4
<b>2B3P</b>	3	10	1	4
<b>2B4P</b>	6	19	20	77
<b>3B4P</b>	5	16	4	15
<b>Total</b>	<b>31</b>	<b>100%</b>	<b>26</b>	<b>100%</b>

- 3.4. The mix and location of the proposed housing products is appropriate having regard to site specific circumstances including:
- Bringing forward proposals for a site which are consistent with the vision outlined in emerging policy, namely the delivery of active town centre uses on the ground floor within the town centre boundary and residential units above and to the rear,
  - Additional housing supply to help meet the Council's housing targets which are not currently being met, and
  - A mix of unit sizes is suitable considering evidence of local need from the South East London SHMA as well as local demand, site context and the characteristics of the proposed development.



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- 3.5. The proposals are in accordance with the statutory Development Plan and other material planning considerations. Therefore, the amount, type and mix of housing proposed is appropriate for the Application Site and Application Proposals.

***Transport impact of increase in unit numbers***

- 3.6. An updated Transport note has been submitted in support of the application. This assessment demonstrates that the proposed increase in unit numbers will have no adverse effects on the safety or operational capacity of the local transport network. Indeed, the development will still deliver a range of highway improvements that will not only benefit those using the development itself but will be of benefit to the wider community.
- 3.7. The proposed development will continue to provide 10 car parking spaces in accordance with the previously approved scheme. This provides a parking ratio of 0.32 spaces per flat. Importantly, the person-yield of the revised proposal is lower than the previously approved scheme (going from 101 to 83), so there will be fewer requirements for parking.
- 3.8. The revised proposal will therefore have the same level of car parking but fewer residents and is therefore expected to generate lower travel demand than the approved scheme. Notwithstanding this, a revised assessment has been carried out based on previously agreed trip rates per dwelling. Even using this robust method, the net effect on any individual mode of travel would be less than daily variation and imperceptible to other transport users.
- 3.9. The cycle parking requirement is identical to the scheme previously approved (52 spaces). The revised scheme will provide 52 cycle spaces in secure cycle stores within the building as previously approved.
- 3.10. As such the proposed amendments to the approved scheme will not have detrimental impact in terms of highways or parking and the scheme will continue to deliver the improved pedestrian facilities and the brand-new turning head as part of the proposals. The result is, therefore, an overall improvement in local highway conditions.

**External alterations to the consented scheme**

***Minor Increase in height***

- 3.11. Block A will increase in height by 1.1 metres at the tallest point (the central 4<sup>th</sup> floor) and by 0.76 metres on the wing elements of the building either side of the recessed top storey. This is in order to accommodate adequate plant/servicing requirements between each floor whilst maintaining floor to ceiling heights of 2.5 metres (London Plan standard). Similarly, Block B will increase in height by 0.52 metres to accommodate the correct plant/servicing requirements between each floor whilst maintaining floor to ceiling heights of 2.5 metres (London Plan standard).



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These nominal increases in height will have no adverse impact on the significance of the nearby heritage assets. As previously approved, the design and materials are of a high quality and the proposals will complement and enhance the heritage assets and the character of the surrounding area, whilst also providing a building of high-quality finish and design.

The mezzanine element of the development has also increased in height slightly by 1.14m to allow Ground floor within the gym to be one consistent level.

### ***Alterations to fenestration***

- 3.12. Minor alterations to approved fenestration as shown on submitted elevation drawings. These minor changes will facilitate the revised unit mix and creation of the additional units.

### ***Minor Alterations to Massing***

- 3.13. Minor change to the approved massing at fourth floor level on Block A to extend the central section of this floor by 1.5 metres (depth) x 5.6 metres (width) to the rear. Creating an additional 8.4 sqm of building at this level. The new area is highlighted in blue on the image below. This is to allow the creation of a space standards compliant 2-bed and 1-bed flat on this floor, where the previously consented scheme had 2 x 1-beds.



**Image 1:** Proposed floor plan with new floor area highlighted in blue.

- 3.14. This addition is located to the rear of the block (to the western side of the building) and will not be visible when looking north along Station Road or West along Hurst Road. It would only become visible when looking south along Station Road at a point where the building outline is framed against the Sidcup Police Station building behind.
- 3.15. The external walls of both blocks that face onto the central podium have stepped in slightly in order to ensure that all flats achieve the governments Technical Housing Standards for flat and bedroom sizes and external amenity space standards. This reduces the separation distance between blocks A and B to 19 metres at the narrowest point. This distance is still considered acceptable in terms of the amenity of future occupiers. The London Plan allows separation distances of 18 metres or more.



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**Change in location of Gym Entrance**

- 3.16. The main entrance to the gym fronting Station Road has moved from the southern side of the residential core in Block A to the northern side. This has been done to keep the entrance as close to level with the internal gym floor as possible. Due to the slope on Station Road.

**Change in quantum of commercial floorspace (Gym Use)**

- 3.17. There will be a nominal change in the quantum of commercial floorspace created for use class E (gym). Changing from the 1,239sqm previously approved to 1,233sqm. This is due to the resizing of the residential cores.

**Revision to approved Landscaping Masterplan**

- 3.18. We seek to replace the consented Landscape Masterplan prepared by Exterior Architecture with a revised Landscape Plan (Ref: 03-0120-Rev 03) prepared by Create Architecture. This revised scheme allows for the inclusion of wellness features within the residential amenity space and for a revision in the finishing materials and planting. The consented scheme presented challenges due to the quantity/depth of the tree wells and the additional load/weight this placed on the structure.

**Revision of Energy Statement**

- 3.19. We seek to supersede the consented Energy Statement prepared by Envision with a revised Energy Statement prepared by MG Partnerships. Please see the document for full details of the revised strategy.

**Revision of Sustainable Urban Drainage Strategy**

- 3.20. We seek to supersede the consented SuDs Strategy and Outline Sustainable Drainage Plan prepared by Icenl, with a revised SuDs Strategy prepared by Bridges Pound. Please see the document for full details of the strategy.

**4. Conclusions**

- 4.1. In summary the revised proposals are in accordance with the statutory Development Plan. The proposed physical amendments to the scheme are moderate and the quantum and mix of housing proposed is appropriate for the application site and wider location.
- 4.2. We trust the enclosed is in order and we look forward to receiving confirmation of validation shortly. If, however you have any further queries please contact me ([alicefrench@montreaux.co.uk](mailto:alicefrench@montreaux.co.uk)).

Yours sincerely,



Alice French  
Development Manager