

PLANNING COMMITTEE A

Date of Meeting: **THURSDAY, 25 MAY 2023 TIME 7.30 PM**

PLACE: **ROOM 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU**

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**Peter Bernards (Chair)
Liam Curran
Will Cooper
Sian Eiles (Vice Chair)
Rosie Parry
Jacq Paschoud
Stephen Penfold
Sakina Sheikh**

The public are welcome to attend our committee meetings, however, occasionally committees may have to consider some business in private.



**Jeremy Chambers
Director of Law, Governance and
Elections
Lewisham Town Hall
London SE6 4RU
Date: Tuesday, 16 May 2023**

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Committee	PLANNING COMMITTEE (A)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 25 May 2023

MINUTES

To approve the minutes of the meeting of Planning Committee (A) held on the 16 March 2023 and the AGM minutes of the 29 March 2023

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**LEWISHAM COUNCIL
PLANNING COMMITTEE A
THURSDAY, 16 MARCH 2023 AT 7.30 PM
MINUTES**

IN ATTENDANCE: Councillor Peter Bernards (Chair) Councillor Oona Olaru (Vice Chair) Councillors, Natasha Burgess, Liam Curran, Ayesha Lahai-Taylor, Hilary Moore, and John Muldoon.

MEMBERS OF THE COMMITTEE JOINING THE MEETING VIRTUALLY None.

APOLOGIES FOR ABSENCE Councillors John Paschoud and James Rathbone.

OFFICERS: Area Team Leader, (ATL) Planning Officers and Committee Officer.

ALSO PRESENT: (Legal Representative)

**Item
No.**

1 Minutes

RESOLVED that the minutes of the meeting of Planning Committee A held on 5 January 2023 be confirmed and signed as an accurate record.

2. Declarations of Interest

Councillor Muldoon declared a non-pecuniary interest in item 3. His employer had a professional relationship with one of the project team. In the interests of total transparency, he said that he would take no part in the discussion of the application and would leave the room for the duration of this item.

It was agreed that the order of business be changed so that item 3, 1 & 1A Brockley Cross SE4 2AB, be considered at the end of the agenda items.

3 1 & 1A Brockley Cross London SE4 2AB

3.1 Councillor Muldoon declared an interest and left the room during the discussion of this item.

3.2 The Planning Officer said there were two minor errors. The second sentence in paragraph 78 should not have been included in the report. In paragraph 218, fourth bullet point, there was a small error in the figure for the financial contribution towards consultation of a CPZ in the local area which should read '£15,000'.

3.3 The Planning Officer then gave an illustrative presentation recommending the grant of planning permission for the demolition of the existing buildings and the construction of a part two/part four storey plus basement to provide 7 self-contained flats, together with 12 cycle storage, refuse storage and

associated landscaping at 1-1a Brockley Cross SE4, subject to a Legal Agreement pursuant to S106 of the Town and Country Planning Act 1990 and to the conditions and informatives in the report.

3.4. The Committee noted the report and that the main issues were:

- Principle of Development
- Urban Design and Impact on Heritage Assets
- Impact of Neighbouring Amenity
- Transport Impact
- Natural Environment
- Planning Obligations

In response to members' questions, officers clarified points about the height of the proposed building in relation to neighbouring properties and the reasons why this was considered to be a high-quality design.

Applicant

3.5 A presentation was made by the agent in support of the application. He clarified that the material on the top floor was not copper it was a bronze-coloured powder coated metal.

3.6 The agent said that this was a revised planning application for a prominent site in the heart of Brockley. He said that previous applications did not include the high-quality materials as proposed in this application. The applicant had recently completed a development on Brockley Road and wanted to bring forward a scheme that residents in Brockley would be proud of. Architects who had been successful in the borough had been engaged and this team understood the importance and sensitivity of this constrained site.

3.7 Discussions had been held with this Council's Urban Design and Conservation Officer and they had not raised any objections to the proposal following amendments made after the pre application meeting. The Conservation Officer considered this application to be of high quality and that the scheme was a significant design improvement over the previous scheme which was upheld at appeal.

3.8 The agent said that the site was challenging because of its size and proximity to the highway. He said that the design had been successful in providing high quality residential accommodation. Impact on neighbours had been mitigated as outlined in the report. There was a high level of compliance for daylight/sunlight. There had been positive engagement with the community and a number of letters of support had been sent to this authority. There had been a small number of objections, but these comments were in conflict with the opinions of officers.

3.9 Members then asked questions and were advised that:

- The intention for the roof was a bronze/copper tone with a level of patination for the finish. It would not have the oxidising element of copper which would turn green over time. One of the conditions required details of the materials to be used in the project to be submitted for consideration by conservation officers.
- The land was at a busy junction and jutted into the road. Members were concerned about the flats on the ground floor, there was little separation from the road, and they wanted to know how the applicant planned to mitigate the impact on future residents. Members were advised that the ground floor flats were all duplex units. The family flat had 3 clear aspects. It would have a wraparound sunken terrace with the living area on two floors which would provide relief from the highway. Unit 1 was set back by an amenity depth of between 1½ -2 metres to provide a sunken terrace with a void on the Geoffrey Road side. The units had been studied in 3D with cameras. The conclusion was that the proposals would mitigate the impact of the closeness of the highway.
- The Agent clarified that the application was submitted on 23 January 2023; this was not before the end of the consultation period. An email had been received from the Brockley Society with their comments on 21 January 2023. The end of the consultation period was on 22 January. The application was considered to be strong, it was a good scheme and supported by officers so no amendments were made.
- The lift was of sufficient size to accommodate a wheelchair. This was for those visiting the building.
- A construction management plan had been submitted, which outlined how the site would be set out during construction works. The agent said that they would be signing up to the considerate constructor's charter, and a full construction management plan must be submitted outlining detailed plans of how construction impact would be mitigated. Highways Officers had reviewed the construction management plan and were broadly in agreement with it. Comments were referred to the applicant. Although the construction site was on a junction with 3 roads, it was not considered that the construction impacts would be so significant that it would impact on the wider highway network.
- The drawing of the proposed front elevation appeared to be taller than the dimensions contained in the report. The planning officer outlined the difference in height for all the different parts of the proposed building and said that it was of similar height to the surrounding buildings and had been designed sensitively to respect the building height of 1 Geoffrey Road. Slides were shown of the proposed building and its relationship with the street and the proposal was considered to be acceptable.

Representations

3.10 Three residents attended the meeting and made representations opposing the application. The points raised were as follows:

- The proposed building was considered to be too high. It was also out of character with the other older buildings in the area that were two and a

half storeys high and the proposed building would not be in keeping with the area.

- The home of one of the residents was opposite the site and he said that there would be 16 windows facing the front of his house.
- Commercial space would be lost if the application was granted. It was an important site in the middle Brockley Cross which had a mixture of residential and commercial properties. Residents wanted to retain some commercial space.
- The applicant wanted the site to be a 'gateway' into the Conservation Area. Residents did not believe that this would be achieved. The loss of the commercial value was strategic. The inclusion of commercial properties would connect them with everything in the area including Malpas Road.
- The area for residents to walk past the building would be very narrow and was not considered to be safe particularly for parents with children. Residents had been campaigning to improve safety in Malpas Road following several major accidents involving vehicles. There should be greenery on the site and this would help to protect pedestrians.
- The quality of the materials to be used for the building was questioned because high quality materials were not used in a recent development on Brockley Road.
- A resident read out proposals for Brockley which was set out in a recent local plan. If the application was not right for the site, it could put the whole area of Brockley in jeopardy.
- All of the slides of the proposed building clearly showed that it was too tall in relation to the surrounding properties. It was twice the height of the properties in Malpas Road.
- Residents wanted a development on the site but something that was interesting and included commercial properties. There were too many flats proposed for such a small area and a Victorian property would be demolished in this conservation area if the application was granted.

- 3.11 At the request of a member, the planning policy outlined in the local plan, was read out by a resident.
- 3.12 Officers were asked whether the proposed height of the building could be reduced. Members were advised that a judgement could only be made on the application that had been submitted. It was considered that the height would be similar to the surrounding buildings, particularly in Brockley Cross.
- 3.13 The Area Team Leader then made a general point about height. He said that the London Plan had been adopted in 2021 and one of the key differences to previous plans was a drive for optimising the capacity for small sites, particularly those within close proximity to excellent transport links. The site's specific characteristics and its role within the townscape in this part of the conservation area had been considered. In addition, officers had regard to the direction of travel and that Lewisham were robust in demonstrating that the sites available in sustainable urban locations, were being used to develop residential homes.. Members still needed to consider

whether the proposed building would cause harm to the local conservation area and could not be outweighed by the other planning merits.

- 3.14 The Area Team Leader said that the Local Plan had just gone out to reg 19 consultation, therefore weight could not be attributed to that. He did not expect weight to be attributed before the end of 2023, so it had been assessed against adopted policies.
- 3.15 In response to a question, members were advised that previous permission granted for the site had not expired and was an implementable scheme. However, officers considered it to be inferior in design and quality to this application. It did have some commercial space which reduced it down from 54 square metres to 30 square metres. This application was solely for residential use and because of the increased height had allowed an increase in the number and size of the flats. The application site was not categorised as a commercial street frontage and shared more similarities with a residential frontage. The existing commercial units were the only ones along Geoffrey Road and Upper Brockley Road. The address for the application site had previously been 1 Geoffrey Road, and would have been used for residential purposes. It had been vacant for a number of years and the commercial units had not been leased to local businesses. For all these reasons, officers had given more weight to Housing delivery targets.
- 3.16 In response to a question about deliveries to the site, members were advised that highways officers did not have any concerns regarding deliveries to the site and did not recommend an extra condition and did not condition a delivery servicing plan bearing in mind the scale of the development. However, a condition could be added about delivery access if considered necessary. Members asked officers to consider what could be done to improve delivery access for goods and services to the site. The agent clarified that there was an existing dropped kerb on the site which had given access to car sales and was big enough for a loading bay. He agreed to accept this as part of a Section 278 agreement if this was agreed by highways officers. The legal officer said that highways officers may determine that there was a highways safety issue and the provision of a loading bay would not, therefore, be possible. They would need to undertake a number of safety assessments including the safety of pedestrians on the pavement outside the building. The Area Team Leader recommended that officers be asked to investigate best endeavours either to provide a loading bay for goods and services to the site on the highway, or if a highways assessment plan concluded this to be an unsafe option, then a delivery and servicing plan should be secured.
- 3.17 The Committee considered the submissions made at the meeting and with two members abstaining, it was moved and seconded it was;

RESOLVED that the application be **GRANTED** for the demolition of the existing buildings and the construction of a part two/part four storey plus basement, to provide 7 self-contained flats, together with 12 cycle storage, refuse storage and associated landscaping at 1-1a Brockley Cross SE4, subject to a S106 Legal Agreement and to the conditions and informatives in

the report and an additional planning obligation to investigate best endeavours to either (a) provide a loading bay for goods and services to the site on the highway; or if a highways assessment concluded this to be unfeasible, (b) secure a delivery and servicing plan.

4 LAND AT CHURCH GROVE, LONDON, SE13 7UU

4.1 The Planning Officer gave an illustrative presentation recommending the grant of planning permission for the retention of a community hub building, comprising of a mixed use of a shared office space (Class E(g)(i)) and multi-use community space (Class F2(b)., subject to the conditions and informatives in the report.

4.2 The Committee noted the report and that the main issues were:

- Principle of Development;
- Urban Design and Impact on Heritage Assets;
- Impact on Adjoining Properties;
- Highways and Transport
- Sustainability

Applicant

4.3 A presentation was made by one of the volunteers from RUSS (Rural Urban Synthesis Society) in support of the application. He outlined the principles and the history of RUSS. He said that the community hub, which had been created by RUSS in 2019, had sustainable credentials with many of the construction materials originating from reclaimed sources. In order to continue this sustainability legacy, the community hub should be retained.

4.4 The running of the community hub was taken very seriously by RUSS and was operated professionally. The building held all the necessary compliance certificates and insurance. There was also robust management policies and controls in place for all users of the hub. Potential hirers were vetted by the volunteer hub manager and required to comply with their standard conditions of hire. Local key holders were available to resolve issues but this had never been necessary.

4.5 When the adjacent residential scheme was complete, RUSS residents and volunteers would closely supervise the community hub and its users. Since 2019, the hub had been of benefit to hundreds of people from a wide range of groups. The groups that use the hub and regular external bookings were then outlined. RUSS's hire charges were competitive and local community groups and near neighbours were offered a 'pay what you can' rate. All income from the hub was reinvested into community objectives.

4.6 There was proven current and anticipated demand to retain the hub for RUSS and the community, based on nearly 4 years of operating experience and associated data. Retaining community assets was in alignment with key local, regional, and environmental policies and was of benefit to all. There were no plans to change the hub, the application had been made to

ensure that the existing and successful hub was made permanent for the benefit of the local community.

- 4.7 In response to a question about the reason for retrospective planning consent, members were advised that a pre application meeting was held in January 2022. An application was made in May 2022 but due to resourcing challenges within the planning team, it had taken in excess of a further 14 weeks before it was submitted to Committee. The applicant then read out the hours of operation as outlined in the report.
- 4.8 There were no objectors present.
- 4.9 The Committee considered the submissions made at the meeting. It was moved and seconded and;;

RESOLVED that planning permission be **GRANTED** for the retention of a community hub building, comprising of a mixed use of a shared office space (Class E(g)(i)) and multi-use community space (Class F2(b)., subject to the conditions and informatives in the report.

5 199 Waller Road London Road SE14 5LX

- 5.1 The Planning Officer said that there was an error under Section 2 of the officer report. Relevant planning permission was missing. Records showed that in 2018 an application for the construction of the roof extension and roof light to the rear roof as well as two front roof slope lights in the front elevations was approved.
- 5.2 The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for the construction of a rear roof extension and rooflights to the front and rear roof slopes at 199 Waller Road SE14 subject to the conditions and informatives in the report.
- 5.3 The Committee noted the report and that the main issues were:
- Principle of Development;
 - Urban Design and Impact on Heritage Assets;
 - Impact on Adjoining Properties;

Applicant

- 5.4 The Architect involved in the project, spoke on behalf of the applicant. He said that the planning application guidance for the area had been followed. The conservation area had been respected and planning permission was granted in 2020 for a similar development at neighbouring property in Waller Road. It was considered that this was a good precedent for the rear dormer because the design was almost exactly the same as for this application. The street facing the proposed heritage style roof light, was below the limit required by the SPD.

- 5.5 In response to a question from the Chair, the applicant advised that a new application had been made because a previous application for this development had not begun before the expiration of three years beginning with the date on which the permission was granted.

Representation

- 5.6 The Chairman of the Telegraph Hill Society, addressed the Committee in objection to the application. He said that the Society were grateful for the changes that had been made to this application following comments made by the society. The previous application had been made prior to the current extensions SPD, which was considered to have made a material difference.
- 5.7 The Chairman said that the Society had concerns regarding the rear elevation. It was not the same application as the one granted to the neighbouring property in 2020, because this application was for two dormer windows and a skylight. The previous application did not have a skylight.
- 5.8 The major concern for the society was whether the front roof light met the requirements of the SPD. The applicant claimed that it was smaller than the maximum allowed. The Society considered that it was probably more than the maximum allowed.
- 5.9 The Chairman said that the Society accepted that this section of Waller Road had several roof lights and was an accepted characteristic. However, unlike council officers, they considered this to be of material harmful to the area. This application, however, would take up the whole middle section of the roof and was considered to be unacceptable in a conservation area.
- 5.10 In response to questions asked by the Chairman of the Telegraph Hill Society, those present were advised that in paragraph 5.5.4 of the SPD, it stated that a replacement rooflight should not exceed 600mm in width. This application did not exceed that maximum and so it was acceptable in a conservation area. It was also a replacement within the middle roofline which was also acceptable.
- 5.11 In a response to a question about the skylights from the Chairman, the planning officer displayed the drawings of the roofs as shown on page 57 of the SPD. The Area Team Leader drew members' attention to paragraphs 48 and 49 in the report. He said that officers were not saying that it was an example of drawing 2 but rather that it was an adaptation of drawing 1. There were no dimensions on the drawings, so it was not possible to infer whether or not the ones shown on drawing 1 were less than 600mm wide or more than the 740mm of the height of the roof light that was being proposed. Officers were clear that it was an adaptation of drawing 1 and not an example of drawing 2. It was proposing one less roof light than was shown in drawing 1.
- 5.12 The Committee considered the submissions made at the meeting. It was moved and seconded and with one member abstaining it was

RESOLVED that planning permission be **GRANTED** for the construction of a rear roof extension and rooflights to the front and rear roof slopes at 199 Waller Road SE14 subject to the conditions and informatives in the report.

The meeting closed at 9.50 pm.

Chair

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MINUTES OF THE PLANNING COMMITTEE A

Wednesday, 29 March 2023 at 7.52 pm

PRESENT: Councillors Will Cooper, Liam Curran, Sian Eiles, Jacq Paschoud, Stephen Penfold and Sakina Sheikh

Apologies for absence were received from Councillors Peter Bernards and Councillor Rosie Parry

1. Appointments

It was MOVED, SECONDED and RESOLVED that the membership for this committee for 2023/24 will be:

Councillor Peter Bernards
Councillor Sian Eiles
Councillor Sakina Sheikh
Councillor Rosie Parry
Councillor Jacq Paschoud
Councillor William Cooper
Councillor Liam Curran
Councillor Stephen Penfold

2. Election of Chair

It was MOVED, SECONDED and RESOLVED that Councillor Peter Bernards be appointed Chair and Councillor Sian Eiles be appointed Vice Chair of this Committee for 2023/24

The meeting ended at 7.53

Chair

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	PLANNING COMMITTEE (ABC)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date:

Members are asked to declare any personal interest they have in any item on the agenda.

(1) Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (a) Disclosable pecuniary interests
- (b) Other registerable interests
- (c) Non-registerable interests

(2) Disclosable pecuniary interests are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain.
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:-
 - (a) that body to the member's knowledge has a place of business or land in the borough; and
 - (b) either
 - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or

- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

(3) Other registerable interests

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council;
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party;
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

(4) Non registerable interests

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

(5) Declaration and Impact of interest on member's participation

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.

- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

(6) Sensitive information

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

(7) Exempt categories

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception);
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt;
- (d) Allowances, payment or indemnity for members;
- (e) Ceremonial honours for members;
- (f) Setting Council Tax or precept (subject to arrears exception).

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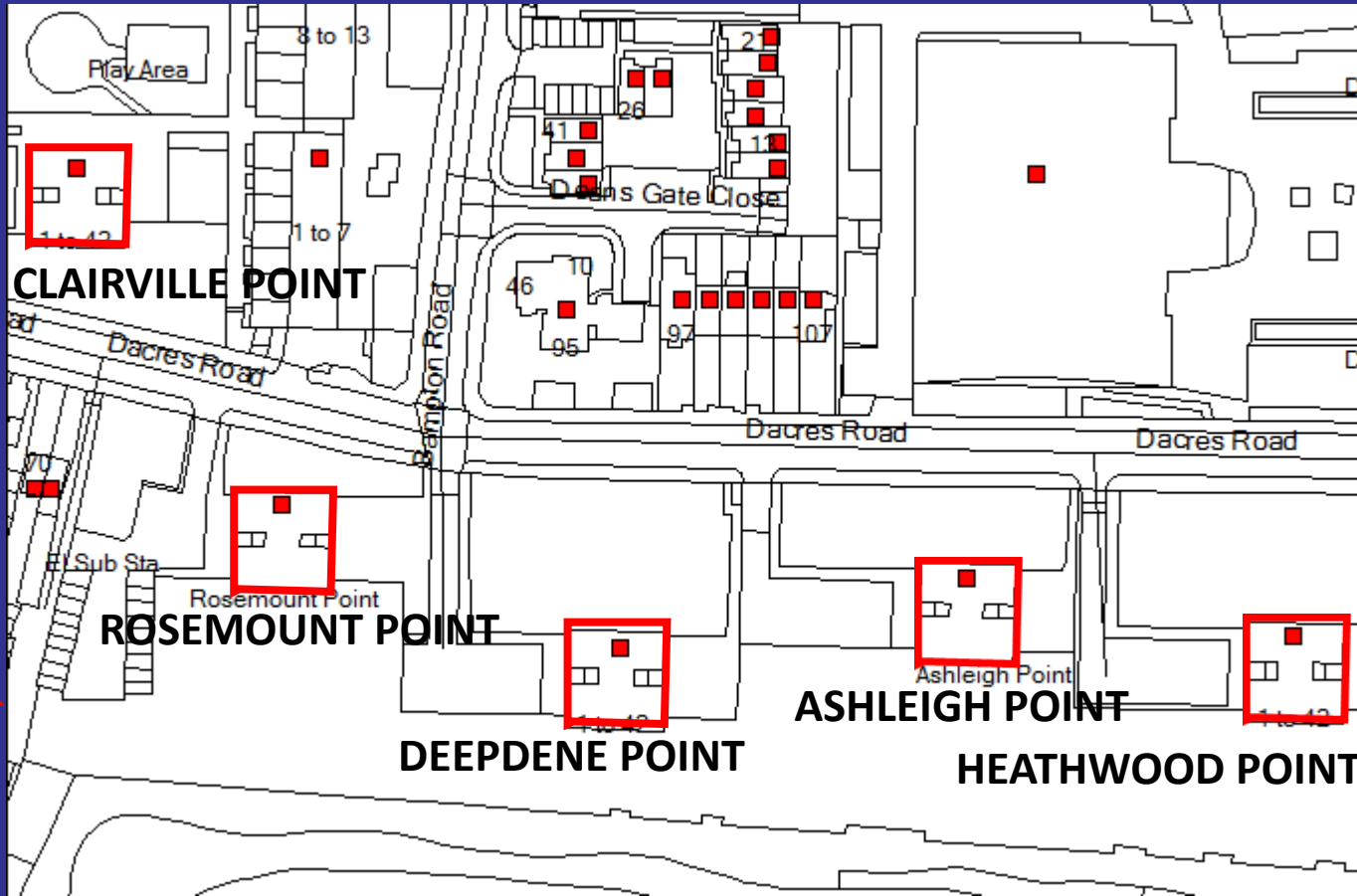
DACRES ROAD, LONDON, SE23

- DEEPDENE POINT DC/23/130571
- CLAIRVILLE POINT DC/23/130561
- ROSEMOUNT POINT DC/23/130570
- ASHLEIGH POINT DC/23/130573
- HEATHWOOD POINT DC/23/130574

Refurbishment of external cladding, replacement of windows, doors, balconies, screens and roof finishes

This presentation forms no part of a planning application
and is for information only.

Site Location Plan



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Site Location Arial- Context



**CLAIRVILLE
POINT**

**ROSEMOUNT
POINT**

**DEEPPENE
POINT**

**ASHLEIGH
POINT**

**HEATHWOOD
POINT**

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Existing and proposed South West and North East

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EXISTING SOUTH WEST



PROPOSED SOUTH WEST



EXISTING NORTH EAST



PROPOSED NORTH EAST

Existing and Proposed South East and North West

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EXISTING SOUTH EAST



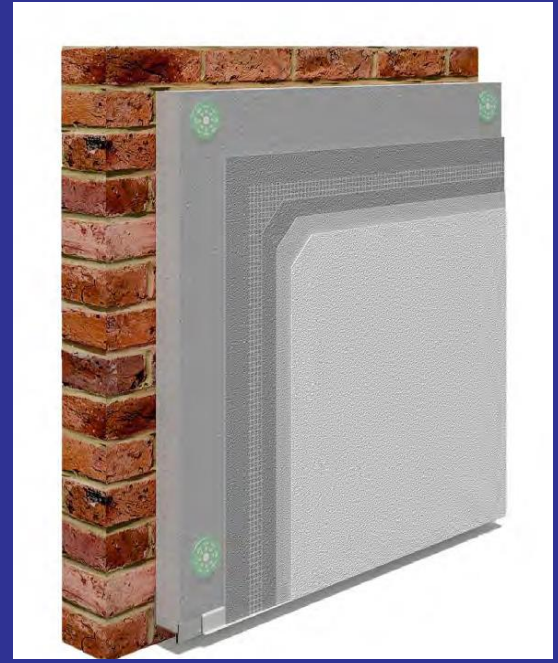
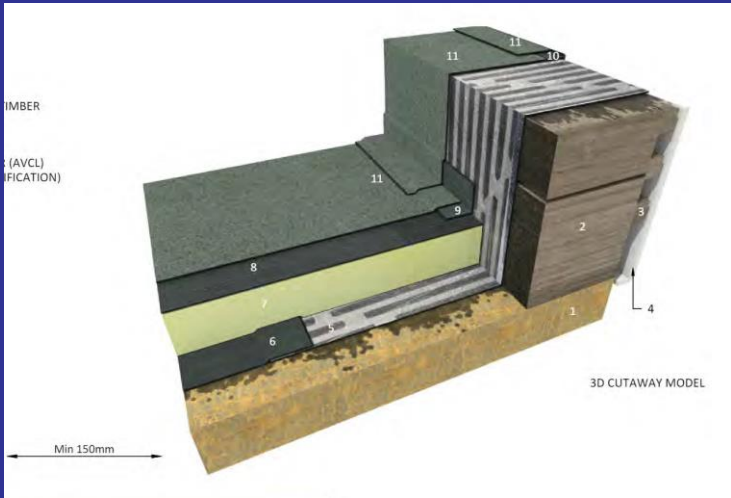
PROPOSED SOUTH EAST



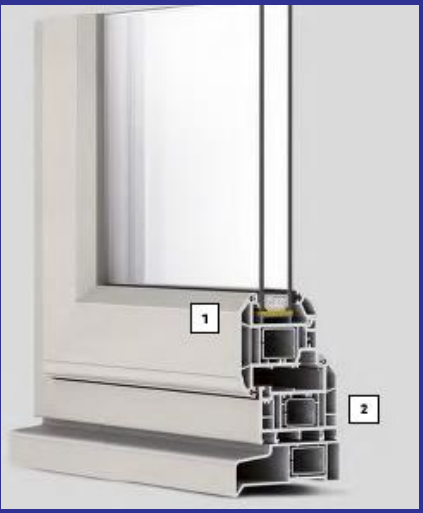
EXISTING NORTH WEST



PROPOSED NORTH WEST



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Existing and proposed Balustrades Top Floor



Page 25

Existing and proposed Balustrades Ground Floor



Key Planning Considerations

- Principle of Development
- Urban Design
- Impact on Adjoining Properties
- Highway and Transportation
- Sustainable Development

End

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Planning Committee A

ASHLEIGH POINT, DACRES ROAD, LONDON, SE23 2XL

Date: 25 May 2023

Key decision: No.

Class: Part 1

Ward(s) affected: Perry Vale

Contributors: Zahra Rad

Outline and recommendations

This report sets out the officer's recommendation of approval for the above proposal subject to conditions and informatives

The report has been brought before the committee for a decision due to the submission of eight objections from neighbouring properties

Application details

Application reference number(s): DC/23/130573

Application Date: 28 February 2023

Applicant: Arcus Consulting LLP

Proposal: Refurbishment of external cladding, replacement of windows, doors, balconies, screens and roof finishes at ASHLEIGH POINT, DACRES ROAD, LONDON, SE23 2XL

Background Papers: (1) Submitted drawings and documents
(2) Submitted photos
(3) Internal and external consultee responses

Designation: PTAL 2

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application relates to a purpose-built 11-storey (including ground floor) block of flats, comprising of 42 flats (21 x 2 bed s and 21 x 1 bed flats) known as Ashleigh Point located on the south side of Dacres Road.
- 2 The application site is one of a group of five blocks. All five blocks have the same style and are visible from a distance along Dacres Road, Silverdale, Bampton Road, Queenswood Road and Mayow Road.

Character of area

- 3 The area is predominantly residential in character. To the north, west and east are terraced and detached two storey properties.

Heritage/archaeology

- 4 The property is not within a Conservation Area and is not subject to an Article 4 Direction.

Surrounding area

- 5 Forest Hill School and its sport centre is less than 200m of the application site.

Local environment

- 6 Mayow Park and Dacres Wood Nature Reserve are within 200m of the application site.

Is this report easy to understand?

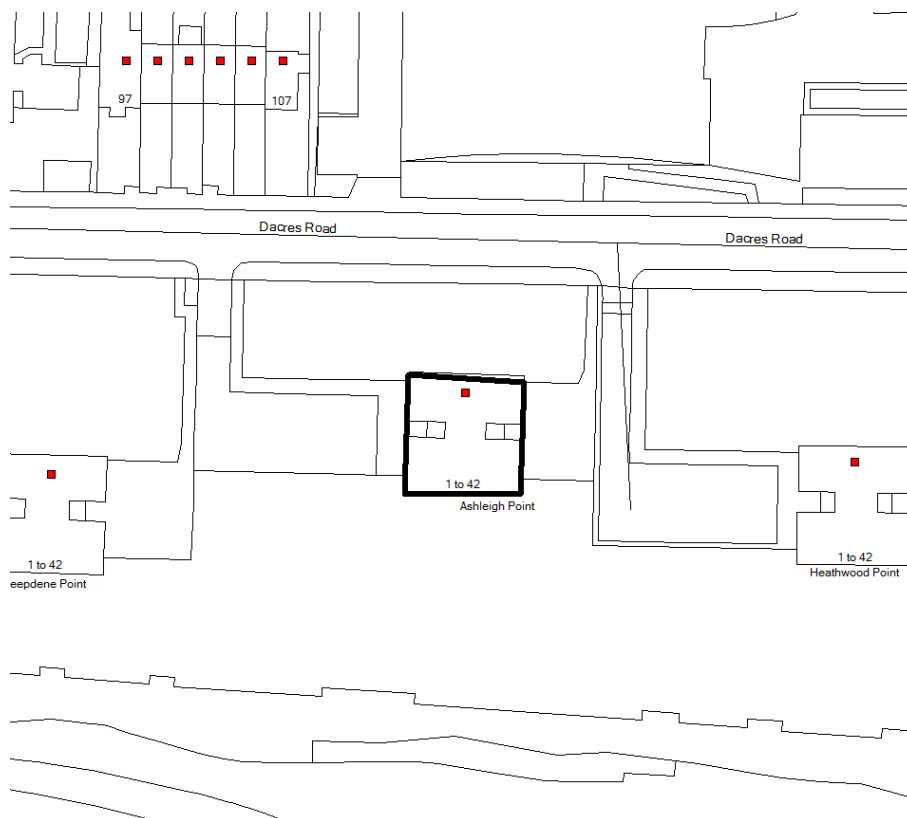
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Transport

- 7 The application site has a PTAL rate of 2. Sydenham station is 0.5 mile away (9 minutes walking) from the site, and several bus stops are within 5 minutes walking distance of the application site serving routes 356, 75, 122, 126, and 197.

Figure 1 Site Location Plan



2 RELEVANT PLANNING HISTORY

- 8 **DC/15/091402** - The installation of safety barriers on the roof of 1-42 Ashleigh Point, Dacres Road SE23. Granted 27/07/2015.
- 9 **DC/22/128527** - Refurbishment of external cladding, replacement of windows, doors, balconies, screens and roof finishes at ASHLEIGH POINT, DACRES ROAD, LONDON, SE23 2XL. Withdrawn on 28/02/2023.
- 10 The following applications are related to the other towers in this area, with similar proposal.
- 11 **DC/23/130561** - Refurbishment of external cladding, replacement of windows, doors, balconies, screens and roof finishes at CLAIRVILLE POINT, DACRES ROAD, LONDON, SE23 2PA. Pending
- 12 **DC/23/130570** - Refurbishment of external cladding, replacement of windows, doors, balconies, screens and roof finishes at ROSEMOUNT POINT, DACRES ROAD, LONDON, SE23 2BW. Pending.

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- 13 **DC/23/130571** - Refurbishment of external cladding, replacement of windows, doors, balconies, screens and roof finishes at DEEPDENE POINT, DACRES ROAD, LONDON, SE23 2BN. Pending
- 14 **DC/23/130574** - Refurbishment of existing cladding, replacement of windows, doors, balconies, screens and roof finishes at HEATHWOOD POINT, DACRES ROAD, LONDON, SE23 2XJ. Pending

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 15 The proposal is to refurbish external cladding, replacement of windows, doors, balconies, screens, and roof finishes.
- 16 The proposals at Ashleigh Point comprises of the following details externally:
- new windows, and external vents
 - new entrance doors
 - new external glazed timber screens and doors to the central access core to ensure compliance with current fire safety legislation
 - removal of non-compliant external wall cladding and replacement with new render and brick faced EWI insulation to comply with current fire safety legislation.
 - new roof finishes and insulation
 - removal of non-compliant timber balustrading to balconies and replacement with new painted metal railings to comply with current fire safety legislation
 - upgrading of resident's storage doors at ground floor level to improve and enhance fire safety
 - upgrading of existing foul and surface water drainage provision
 - structural remediation and decoration work to existing: Brickwork and Concrete facing elements
- 17 The proposal also includes the following internal alterations which do not require planning permission: new bathroom installations, including internal insulation to walls; new kitchen installations; upgrading to communal areas through; decorations to wall and floor finishes; replacement doors; any improvements or upgrading required to meet the requirements of current fire safety legislation and/or lighting and electrical systems.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

- 18 No pre-application was conducted, however discussions with the applicant took place prior to validation, to ensure all the relevant documents are provided and also, the design aspects of the proposal were reviewed before submission.

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4.2 APPLICATION PUBLICITY AND CONSULTATION

- 19 Site notices were published on 13/03/2023.
- 20 46 letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 13/03/2023.
- 21 Eight responses were received, comprising of 6 objections.

4.2.1 Comments in objection

Comment	Para where addressed
Discrepancy within D&A regarding reducing heating costs.	[para 87]
The proposal is contrary with Policy C1.8 of Core Strategy Objective 5 of the Local Implementation Plan 2011-2030	[para 87 and 88]
The wooden balcony should be a part of the EWI works from what has been demonstrated in the drawings, and don't respect the original design.	[para 66]
Potential of amenity impact with change balustrade design, particularly in the lower levels	[para 80]
The quality of uPVC windows and the question on how new windows design will help with ventilation especially in the winter due to how they will open.	[para 57]

4.2.2 Non material planning consideration comments

- 22 A number of comments are related to the consultation procedure between Lewisham Homes and the occupiers/owners of flats including transparency on cost, selecting contractor procedure, lack of investment in maintenance of Dacres Estate, management of building, installation of charging points, possible long term scaffolding in place, lack of investment in maintenance of Dacres Estate and etc. *Officer's Response:* Officers are satisfied that none of the issues raised, including those related to the consultation procedure, have any material impact on the assessment of the application and it should be noted that the points raised are issues for the freeholder and leaseholders to resolve and are not material planning considerations.
- 23 Objections were raised regarding the lack of details to determine the improvement and objectives mentioned in D&A, such as u-value of existing double-glazed windows. *Officers' response:* the u-value has been discussed on pages 21,23 and 27 of D&A.
- 24 Comments raised regarding the commitment by United Living Group (ULG) on not increasing the limitation of restrictions for specific times on deliveries, and parking usage by contractors, no resolution of the complaints raised during construction period. *Officer's response:* these issues (related to construction period) are not within the scope of this proposal and are not considered as material planning consideration, unless specified by a condition with which the contractors must comply.
- 25 Objections raised the issue of discrepancy in the application form such as incorrectly stating that the Dacres Estate blocks are in private ownership, rather than public ownership, and that the owner is Lewisham Homes rather than LB Lewisham. *Officer's Response:* Officers are satisfied the application is properly made and no discrepancies

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exist which would call into question the validity of the application or any subsequent decision.

26 Objections raised regarding the internal alterations: *Officer Response*; internal alterations do not require planning permission and are therefore not part of this application and have not been assessed.

4.3 INTERNAL CONSULTATION

27 The following internal consultees were notified on 13/03/2023.

28 Highways: raised no objections subject to conditions.

29 Climate Resilience Management: no response.

30 Building Control: no objections

4.4 EXTERNAL CONSULTATION

31 The following External Consultees were notified on 13/03/2023:

32 Fire Brigade: raised no objection, but made recommendations, please see below

5 POLICY CONTEXT

5.1 LEGISLATION

33 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

34 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.

35 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.

36 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 to the relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the aforementioned directions and the test of reasonableness.

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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

37 The Development Plan comprises:

- London Plan (March 2021) (LP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

38 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

39 London Plan SPG/SPD:

- Energy Assessment Guidance (October 2018)

6 PLANNING CONSIDERATIONS

40 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

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

42 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.

Policy

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43 The Development Plan is generally supportive of alterations and extensions to residential buildings. In this case, the aim of the improvements is to improve fire safety and to bring key elements of the building up to compliance with current Building Regulations. The principle of development is supported, subject to details.

6.2 URBAN DESIGN

General Policy

44 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.

45 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed. LPP D12 states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety.

46 LPP D3, CSP 15, DMLP 30, 31 and the provisions of the Alterations and Extensions SPD reflect this and are relevant.

Discussion

6.2.1 Alterations to Cladding

47 The proposed development has been undertaken to facilitate compliance with the government standards and remove combustible materials. The existing elevation material is a combination of reinforced concrete slabs, walls and frame with the slabs projecting and exposed on the exterior.

48 The existing cladding is predominantly brick clad with the exposed party walls on the external façade painted white to delineate apartments.

49 The proposed alteration of the cladding consists of:

- Repair all defective exposed concrete elements, and bricks
- Clean all existing masonry facades as required
- The new insulation system would be the proposed Wetherby external wall insulation system: Epsibrick 7 MW External Wall Insulation System

50 Further alterations to the south Façade:

- The existing non-compliant rainscreen cladding to the South Elevation would be replaced with a combination of render and brick faced render cladding with installation of new A1 fire rated EWI with combination of render and brick faced finish. This would help to achieve an overall u-value performance of 0.28 W/m²K in compliance with the requirements of Part L of the Building Regulations.

51 The proposed materials would be similar to the existing with improvement to the south elevation, in terms of the finishing and fire safety issues. Lewisham's building control officers have been consulted who raised no objection to the proposed materials in terms of compliance with Building Regulations. In principle the proposed materials palette is considered acceptable.

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6.2.2 Replacement of Roof Covering

- 52 The existing roof is poorly insulated and finished in mineral felt.
- 53 The proposal is to replace the roof with a new roof insulation and finish. The D&A states that with the replacement the scheme would achieve an overall combined u-value performance of 0.18 W/m²K. The new roof would keep the same design.
- 54 The replacement of the roof covering would enhance the building as it would be an improvement to the current situation of the building.

6.2.3 Replacement of Windows and Balcony Doors and screens

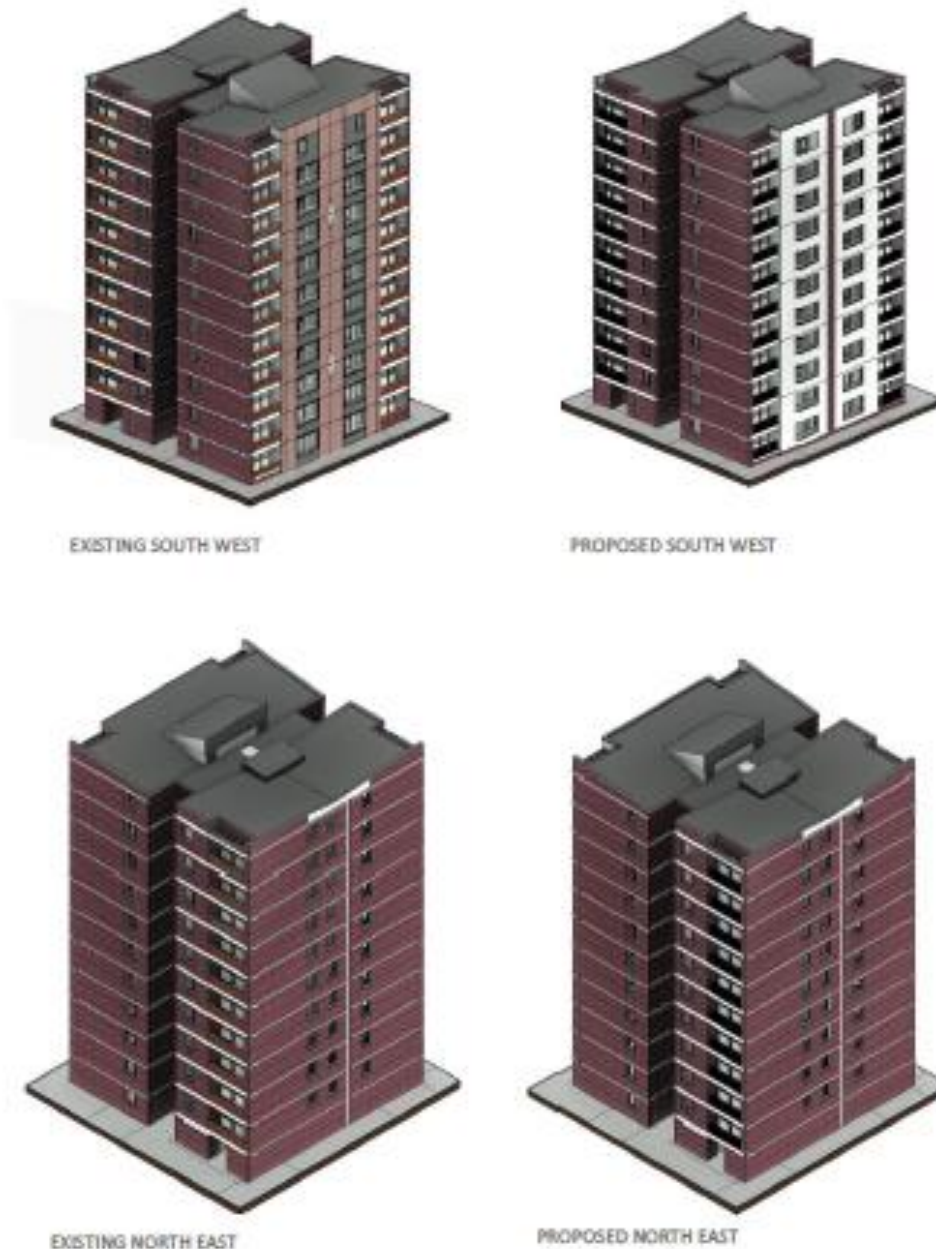
- 55 The existing windows are white uPVC. The proposal is to install new white uPVC double glazed in the same place and size of the existing windows and doors, style to match original. New double-glazed windows and screens are proposed to achieve a u-value performance of 0.16 W/m²K. In the D&A statement it is pointed out that installation of the new Rehau 70mm uPVC would achieve the requirements of BS EN12608:2016, Table 1.4 of Approved Document F and Approved Document K. The windows would have sills, and trickle vents, with tilt and turn hinges and restrictors, with locking handles in white. All windows with a sill height below 1000mm will require the installation of a lower-level fixed pane below the opening vent to enable the required sill height for the opening vent.
- 56 The screen at the lobby and communal space would be replaced with the same style and existing screen. The applicant has not confirmed the material but has suggested it would be Trespa® Meteon® which is a decorative high-pressure compact laminate.
- 57 The windows and doors would be the same style, material, and colour as the existing. Objections were raised questioning the quality of uPVC windows: the windows proposed are of good quality and would be similar to those used on many residential buildings and are considered unobjectionable. The new double-glazed windows would improve the building's performance in terms of energy efficiency, and sound isolation, and are supported.

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Figure 2 Existing and proposed South West and North East



6.2.4 Replacement of Doors and Screens

- 58 The doors to the communal areas would receive coloured paint finish to match the main ground floor entrance, the colour is not confirmed yet.
- 59 Across the Dacres Estates there have been ongoing issues in relation to the fire safety and security of the doors to resident storage areas. The main existing dual sided access via intercom to ground floor entrance lobby would be replaced with new polyester powder coated aluminium entrances doors to the ground floor. The details of doors such as colour is not provided. A condition will be imposed to ensure high quality materials are used.

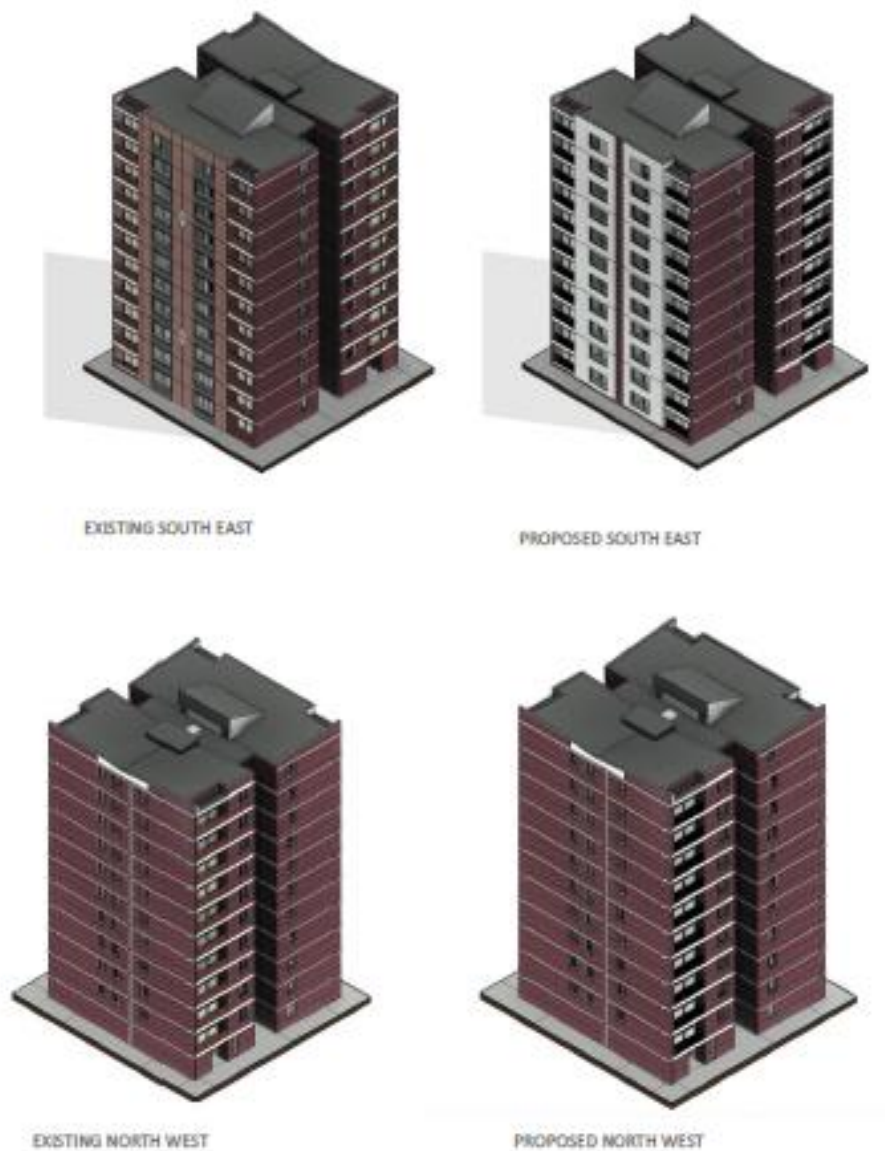
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- 60 The doors to the flats would be new Rehau residential uPVC doors finished in white glazing (28mm Sealed Units) and multipoint locking mechanism to achieve the requirements of BS EN12608:2016.
- 61 New external glazed timber screens and doors to the central access core are proposed to ensure compliance with current fire safety legislation, by a minimum u-value of 1.6 W/m²K to achieve the requirements of the building regulations.
- 62 The doors to the storage spaces at ground floor would be replaced with new FD 30 timber doors. The existing plantroom steel doors would be repaired and painted.
- 63 The proposed doors and screen are considered as enhancement to the existing conditions and are supported.

Figure 3 Existing and Proposed South East and North West



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6.2.5 Replacement of balustrades to residents' balconies and communal balconies

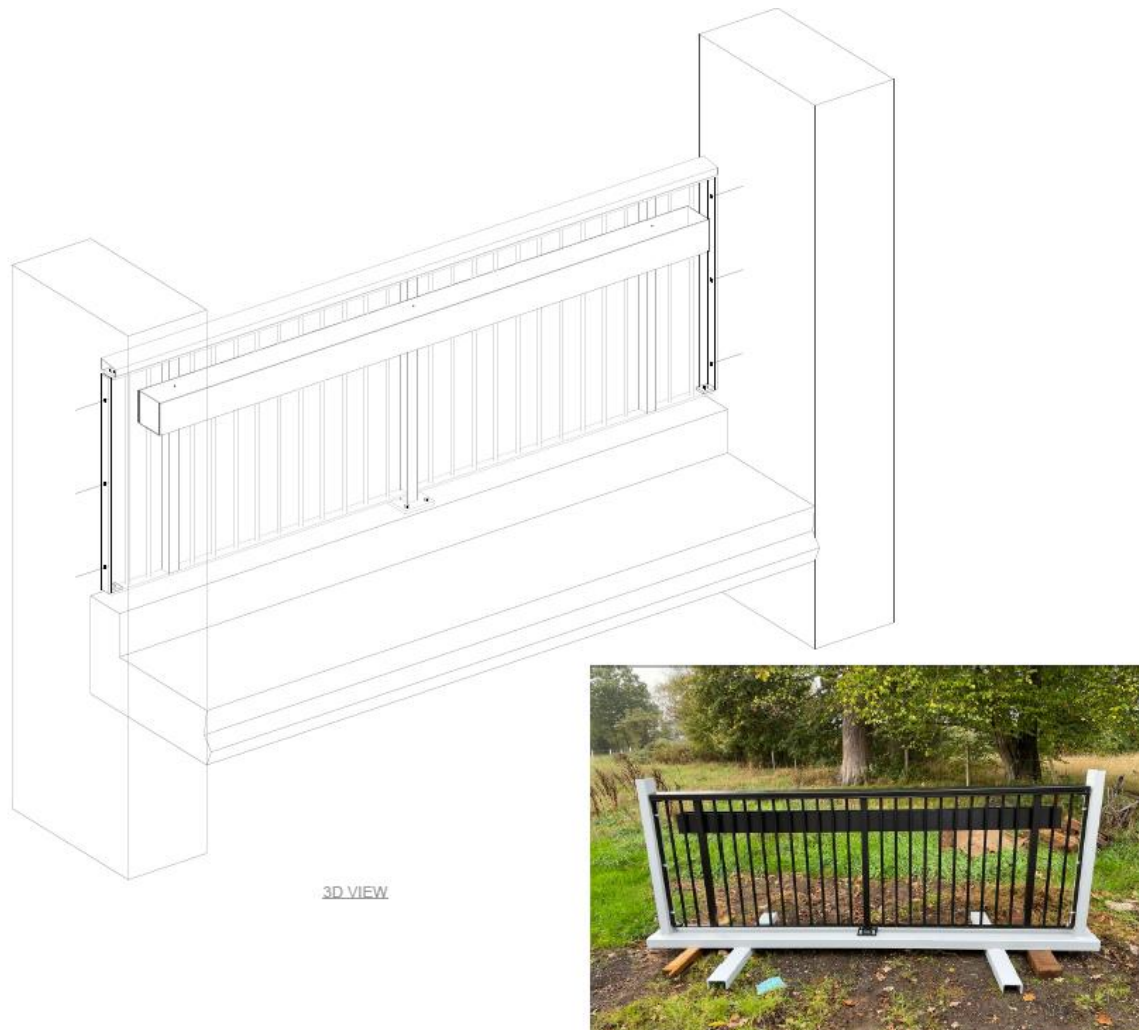
- 64 The existing timber balustrade at the balconies would be replaced with polyester powder coated aluminium balustrades to ensure compliance with both Approved Documents Part B and Part K. The colour would be dark grey RAL colour: 7022. At the ground floor the existing masonry upstand would be retained, and the timber balustrade would be replaced with the railing.
- 65 Each flat is provided with a recessed balcony area secured with timber balustrades and enclosed with anti-bird mesh. The balconies would be repaired and upgraded for fire safety.
- 66 Objections were received regarding the change of existing timber balustrades with metal railings. It is noted that timber balustrades at balconies of all of the five towers in this area are considered as an original character of these buildings. The replacement with metal railings is not considered inappropriate nor incongruous as this is a standard residential balcony enclosure. It is notable that, due to changes in Building Regulations regarding fire safety, timber balustrades for high rise buildings such as this tower are no longer supported.
- 67 Officers are of the view that the current timber balustrades are in poor condition, and considering the quality of the proposed materials, they are acceptable.

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Figure 4 Proposed Balustrade



6.2.6 Amenity Provision

68 Current ground floor landscaping remains as existing.

6.2.7 Urban Design Conclusion

69 Given above, the works are considered to be acceptable and in keeping with the appearance of the refurbishment of the building.

6.3 TRANSPORT IMPACT

General policy

70 NPPF 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 to an acceptable degree.

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71 Para 111 of the NPPF states 'Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or on the residual cumulative impacts on the road network would be severe'

6.3.1 Construction Management Plan

Policy

72 LP Policy T7 states that deliveries, servicing, and construction should be conducted in the safety of residence and the surrounding area.

Discussion

73 No changes or alteration to the current parking arrangement or the access road, or passageway within the proposal. Therefore, the only Transport matter of some relevance to this planning application is the potential for short-term transport disruption from construction works.

74 Accordingly, the applicant has submitted a Construction Logistics Report, which was revised with The LBL Highway team.

75 Highways raise no objection to the proposed Construction Logistics Report. However as, it would be expected that with such extensive refurbishment, the delivery of materials to the sites with construction vehicles accessing the sites on a regular basis would be required, which could impede traffic or pedestrian flow and/or safety. A condition will be imposed to ensure the construction work would be in line with proposed CLMP.

76 Highway Team recommended that the applicant should apply for relevant permits/licences prior commencing the construction work via LBL Highway Team. An informative will be added to advise accordingly.

6.3.2 Transport impact conclusion

77 Officers are satisfied that the proposed development would not have an adverse impact on the surrounding highways network, subject to the recommended condition.

6.4 LIVING CONDITIONS OF NEIGHBOURS

General Policy

78 CP15, DMP31(c) and the provisions of the Alterations and Extensions SPD are relevant.

Discussion

79 The proposed development is for renovation of the exterior facades of the buildings and therefore any impacts on daylight/sunlight, privacy and outlook for the neighbouring properties would be any different from the existing impact. Noise and disruption from the works phase are likely, given the proximity to other existing residential units.

80 Objections were received regarding the impact of the proposed balustrade on the privacy of neighbours, as railings could create greater potential of overlooking. It is noted that the existing balustrades are horizontal panels with little gaps between them; the details of the replacement railings provided show they would be vertical with narrow gaps. The railing would be similar to many residential buildings and are considered

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unobjectionable. In addition, it is noted that there is sufficient distance between the balconies facing surrounding building for a minimum distance of 34m, far in excess of the 21m used as a guide in the GLAs Housing SPG and the 16m used in Lewisham's Small Sites SPD. Therefore, officers are of the view that there would be no change in terms of impact on privacy due to changing of timber balustrades to metallic railing.

6.4.1 Impact on neighbours: conclusion

81 The proposed development is considered acceptable in regard to impact on amenities of neighbouring residential units.

6.5 SUSTAINABLE DEVELOPMENT

General Policy

82 Para 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 of communities and infrastructure to climate change impacts.

83 CS Objective 5 reflects the principles of the NPPF and sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DM Policy 22 support this. Small Sites SPD section 11 and 21 provides guidance on sustainability

6.5.1 Changes to Drainage

84 There would be no change to the below-ground drainage. It is, however, proposed that the below-ground network be CCTV surveyed to assess its condition and allow any localised repairs, if identified, to be carried out.

85 Any modifications to the drainage system will be in accordance with Building Regulations Part H for the private drainage network, which is not included in this application.

6.5.2 Energy and carbon emissions reduction

Policy

86 LPP SI2 states that major development should achieve zero carbon and should minimise to peak energy demand in accordance with the following energy hierarchy: Be lean: use less energy; Be clean: supply energy efficiently; and Be green: use renewable energy.

Discussion

87 Objections were submitted asserting that the proposal will not comply with objective 5 of LBL Core Strategy regarding the energy performance. An Outline Energy Statement is provided by the applicant.

88 It is noted that the proposal is for alteration to the external materials, such as windows and doors, which is expected to improve the insulation and would improve the performance of the building in terms of energy efficiency. Therefore, as an existing building, although, the proposal would not fulfil all criteria listed under CS objective 5, Officers are satisfied that there would be an improvement to the energy efficiency

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elements of the building in line with CSO 5. Officers consider this to be a planning merit of the scheme, helping to contribute towards reducing carbon emissions.

6.5.3 Fire Safety

General Policy

89 LP Policy D12 Fire safety highlighted all development proposals must achieve the highest standards of fire safety. Paragraph 3.12.11 stated that proposals for those refurbishments that requires planning permission, will be subject to London Plan policy to ensure all existing buildings are safe.

Discussion

90 On 1 August 2021 Gateway One was adopted, which introduces new Government planning guidance for fire safety in relation to high rise buildings (18m+). The guidance requires the submission of a Fire Statement in support of planning applications relating to high rise development. The applicant has submitted a Fire statement form. The London Fire Brigade has been consulted and no objections was raised. LFB has required that an undertaking as required by Part B5 of the current Building Regulations Approved Document B should be given by the applicant that access for fire appliances and adequate water supplies for firefighting purposes should be provided. therefore, and informative regarding the above-mention Building Regulation will be added.

91 The existing fire access strategy for the site will remain as existing, which permits Fire Tender Access within 18m of the main entrance of each building/fire hydrant and within 40m of all facades. A dry riser is also provided within each building for connection by Fire and Rescue Services.

92 Provided D&A Statement indicates that an inspection of PAS 9980 fire safety test has been undertaken. Consequently, based on the outcome and recommendations of the inspection several alterations, such as change of materials, replacement of cladding to South Elevations and removing the non-compliant rainscreen cladding to achieve a fire safety performance rating of a minimum A2, S1-d0, has been proposed. The Council Building Control has raised no objections.

6.5.4 Sustainable development conclusion

93 Officers are satisfied that the proposed alteration of materials and related measures will improve the fire safety aspects of the building and it is considered acceptable and a planning merit of the scheme.

7 LOCAL FINANCE CONSIDERATIONS

94 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).

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- 95 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 96 In this instance, the proposal is to upgrade the building by alterations and refurbishment. Therefore, CIL is not a material consideration.

8 EQUALITIES CONSIDERATIONS

97 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.

98 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.

99 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.

100 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>

101 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

102 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

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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>

103 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

104 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

105 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.

106 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.

107 This application has the legitimate aim of upgrading the building by alterations and refurbishment of the 11-storey tower with residential uses. The rights potentially engaged by this application, including above convention are considered not to be interfered with by this proposal.

10 CONCLUSION

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

109 The proposed scheme is supported in principle. Its design and materials would be similar to the existing and overall, Officers are of the view that it is acceptable. The proposal would not have any unacceptable impact on flat occupiers or any neighbouring

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properties in terms of overlooking, loss of daylight/sunlight, or noise disturbance. The measures include improving the building's thermal efficiency and fire safety, both of which Officers consider to be planning merits attracting significant weight.

110 The proposal would not have any adverse impact on the transportation network, subject to the condition related to CLMP.

111 In light of the above, the application is recommended for approval, subject to the schedule of conditions set out below.

11 RECOMMENDATION

112 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 the expiration of three years beginning with the date on which the permission is granted.

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

2) **APPROVED PLANS**

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

7020-ARC-04-ZZ-DR-A-014001 Rev P2;
7020-ARC-04-ZZ-DR-A-014100 Rev P1;
7020-ARC-04-ZZ-DR-A-014101 Rev P1;
7020-ARC-04-ZZ-DR-A-014501 Rev P1;
7020-ARC-04-ZZ-DR-A-014502 Rev P1;
7020-ARC-04-ZZ-DR-A-014511 Rev P1;
7020-ARC-04-ZZ-DR-A-014512 Rev P1;
7020-ARC-XX-ZZ-DR-A-010551 Rev P3;
PBWPB/01 Rev A;
PBWPB/02 Rev A;
04 - Ashleigh Brick Slip System;
04 - Ashleigh External Wall Insulation System;
03 - Ashleigh Balustrade - Designed and Supplied;
04 - Ashleigh Roof Systems (by Langley);
04 - Ashleigh Windows;

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) **Construction Logistics Management Plan**

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All construction on site should be in accordance with the submitted Construction Phase SHEQ Management Plan (prepared by United Living).

The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

4) **CONSTRUCTION HOURS**

No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8am to 6pm during school holidays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to avoid peak school hour and to comply with DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout, and space standards of the Development Management Local Plan (November 2014).

5) **SCHEDULE OF MATERIALS**

- a) No development to remove and replace the existing cladding or the external doors shall commence on site until further details have been submitted to and approved in writing by the local planning authority. Such details shall include:
 - i) a detailed schedule and specification of the precise brick slip and the colour of the render to be used; and
 - ii) detailed drawings of external door and surrounding door sets where being replaced
- b) The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) 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.

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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) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page. You are also advised to join and adhere to the Considerate Constructors Scheme (ccscheme.org.uk).
- 3) London Fire Brigade required that these items should be provided on site 1) access for fire appliances as required by Part B5 of the current Building Regulations Approved Document B and 2) adequate water supplies for firefighting purposes.
- 4) The applicant is advised to apply for all relevant permits and licences prior to commencement the construction work via London Borough of Lewisham Highway Team.

12 BACKGROUND PAPERS

- Submission Drawings, CGI, and Photos
- Submission Technical Reports and Documents
- Internal and external consultee responses

13 REPORT AUTHOR AND CONTACT

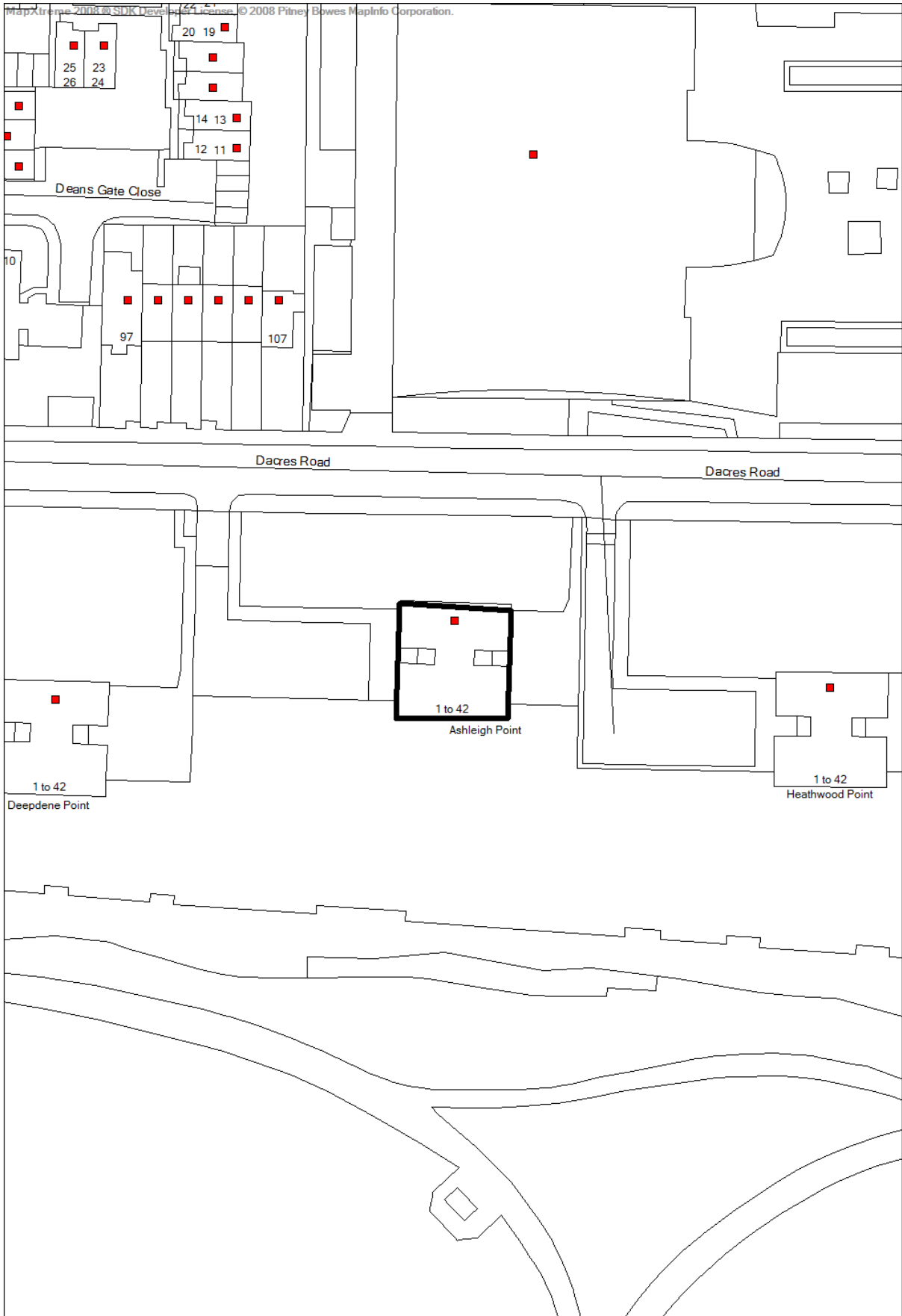
- Zahra Rad (Planning Officer)
- Email: Zahra.Rad@lewisham.gov.uk
- Telephone: 020 831 49153

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Planning Committee A

Report title:

CLAIRVILLE POINT, DACRES ROAD, LONDON, SE23 2PA

Date: 25 May 2023

Key decision: No.

Class: Part 1

Ward(s) affected: Perry Vale

Contributors: Zahra Rad

Outline and recommendations

This report sets out the officer's recommendation of approval for the above proposal subject to conditions and informatives

The report has been brought before the committee for a decision due to the submission of three objections from neighbouring properties

Application details

Application reference number(s): DC/23/130561

Application Date: 28 February 2023

Applicant: Arcus Consulting LLP

Proposal: Refurbishment of external cladding, replacement of windows, doors, balconies, screens and roof finishes at CLAIRVILLE POINT, DACRES ROAD, LONDON, SE23 2PA

Background Papers: (1) Submitted drawings and documents
(2) Submitted photos
(3) Internal and external consultee responses

Designation: PTAL 2

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application relates to a purpose-built 11-storey (including ground floor) block of flats, comprising of 42 flats (21 x 2 bed s and 21 x 1 bed flats) known as Clairville Point located on the corner of Dacres Road and Silverdale.
- 2 The application site is one of a group of five blocks. All five blocks have the same style and are visible from a distance along Dacres Road, Silverdale and Bampton Road.

Character of area

- 3 The area is predominantly residential in character. To the north, west and east are 4 storey blocks of flats, to the south are terraced and detached two storey properties.

Heritage/archaeology

- 4 The property is not within a Conservation Area and is not subject to an Article 4 Direction.

Surrounding area

- 5 Forest Hill School and its sport centre is within 200m of the application site.

Local environment

- 6 Mayow Park and Dacres Wood Nature Reserve are within 200m of the application site.

Transport

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- 7 The application site has a PTAL rate of 2. Sydenham station is 0.4 mile away (8 minutes walking) from the site, and several bus stops are within 5 minutes walking distance of the application site serving routes 356, 75, 122, 126, and 197.

Figure 1 Site Location Plan



2 RELEVANT PLANNING HISTORY

- 8 **DC15/091403** - The installation of a freestanding (height safe) roof edge protection system at 1-42 Clairville Point, Dacres Road SE23. Granted 22/07/2015.
- 9 **DC/22/128471** - Refurbishment of external cladding, replacement of windows, doors, balconies, screens and roof finishes at CLAIRVILLE POINT, DACRES ROAD, LONDON, SE23 2PA. Withdrawn 28/02/2022.
- 10 The following application are related to the other towers in this area, with similar proposal.
- 11 **DC/23/130570** - Refurbishment of external cladding, replacement of windows, doors, balconies, screens and roof finishes at ROSEMOUNT POINT, DACRES ROAD, LONDON, SE23 2BW. Pending.
- 12 **DC/23/130571**- Refurbishment of external cladding, replacement of windows, doors, balconies, screens and roof finishes at DEEPDENE POINT, DACRES ROAD, LONDON, SE23 2BN. Pending
- 13 **DC/23/130573** - Refurbishment of external cladding, replacement of windows, doors, balconies, screens and roof finishes at ASHLEIGH POINT, DACRES ROAD, LONDON, SE23 2XL. Pending.

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- 14 **DC/23/130574** - Refurbishment of existing cladding, replacement of windows, doors, balconies, screens and roof finishes at HEATHWOOD POINT, DACRES ROAD, LONDON, SE23 2XJ. Pending.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 15 The proposal is to refurbish external cladding, replacement of windows, doors, balconies, screens, and roof finishes.

- 16 The proposals at Clairville Point comprises of the following details externally:

- new windows, and external vents
- new entrance doors
- new external glazed timber screens and doors to the central access core to ensure compliance with current fire safety legislation
- removal of non-compliant external wall cladding and replacement with new render and brick faced EWI insulation to comply with current fire safety legislation.
- new roof finishes and insulation
- removal of non-compliant timber balustrading to balconies and replacement with new painted metal railings to comply with current fire safety legislation
- upgrading of resident's storage doors at ground floor level to improve and enhance fire safety
- upgrading of existing foul and surface water drainage provision
- structural remediation and decoration work to existing: Brickwork and Concrete facing elements

- 17 The proposal also includes the following internal alterations which do not require planning permission: new bathroom installations, including internal insulation to walls; new kitchen installations; upgrading to communal areas through; decorations to wall and floor finishes; replacement doors; any improvements or upgrading required to meet the requirements of current fire safety legislation and/or lighting and electrical systems.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

- 18 No pre-application was conducted, however discussions with the applicant took place prior to validation, to ensure all the relevant documents are provided and also, the design aspects of the proposal were reviewed before submission.

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4.2 APPLICATION PUBLICITY AND CONSULTATION

- 19 Site notices were printed on 13/03/2023.
- 20 72 letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 13/03/2023.
- 21 Five responses were received, comprising of 5 objections.

4.2.1 Comments in objection

Comment	Para where addressed
Discrepancy within D&A regarding reducing heating costs.	[para 88]
The proposal is contrary with Policy C1.8 of Core Strategy Objective 5 of the Local Implementation Plan 2011-2030.	[para 88 and 89]
The wooden balcony should be a part of the EWI works from what has been demonstrated in the drawings, and don't respect the original design.	[para 66]
Potential of amenity impact with change balustrade design, particularly in the lower levels.	[para 80]
The quality of uPVC windows and the question on how new windows design will help with ventilation especially in the winter due to how they will open.	[para 57]

4.2.2 Non material planning consideration comments

- 22 A number of comments are related to the consultation procedure between Lewisham Homes and the occupiers/owners of flats including transparency on cost, selecting contractor procedure, lack of investment in maintenance of Dacres Estate, management of building, installation of charging points, possible long term scaffolding in place, lack of investment in maintenance of Dacres Estate and etc. *Officer's Response:* Officers are satisfied that none of the issues raised, including those related to the consultation procedure, have any material impact on the assessment of the application and it should be noted that the points raised are issues for the freeholder and leaseholders to resolve and are not material planning considerations.
- 23 Objections were raised regarding the lack of details to determine the improvement and objectives mentioned in D&A, such as u-value of existing double-glazed windows. *Officers' response:* the u-value has been discussed on pages 21,23 and 27 of D&A.
- 24 Comments raised regarding the commitment by United Living Group (ULG) on not increasing the limitation of restrictions for specific times on deliveries, and parking usage by contractors, no resolution of the complaints raised during construction period. *Officer's response:* these issues (related to construction period) are not within the scope of this proposal and are not considered as material planning consideration, unless specified by a condition with which the contractors must comply.
- 25 Objections raised the issue of discrepancy in the application form such as incorrectly stating that the Dacres Estate blocks are in private ownership, rather than public ownership, and that the owner is Lewisham Homes rather than LB Lewisham. *Officer's Response:* it is noted that there potentially are a few discrepancies, however, none of them would have direct impact on the assessment of the proposal. Furthermore, in the

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application form certificate B Ownership has been filled in and all legal requirements have been met in relation to the application form and notifications.

26 Objections raised regarding the internal alterations: *Officer Response*: alterations do not require planning permission and are therefore not part of this application and have not been assessed.

4.3 INTERNAL CONSULTATION

27 The following internal consultees were notified on 13/03/2023.

28 Highways: raised no objections subject to conditions.

29 Climate Resilience Management: no response.

30 Building Control: no objections.

4.4 EXTERNAL CONSULTATION

31 The following External Consultees were notified on 13/03/2023:

32 Fire Brigade: raised no objection, but made recommendations, please see below

5 POLICY CONTEXT

5.1 LEGISLATION

33 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

34 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.

35 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.

36 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 to the relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the aforementioned directions and the test of reasonableness.

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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

37 The Development Plan comprises:

- London Plan (March 2021) (LP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

38 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

39 London Plan SPG/SPD:

- Energy Assessment Guidance (October 2018)

6 PLANNING CONSIDERATIONS

40 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

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

42 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.

Policy

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43 The Development Plan is generally supportive of alterations and extensions to residential buildings. In this case, the aim of the improvements is to improve fire safety and to bring key elements of the building up to compliance with current Building Regulations. The principle of development is supported, subject to details.

6.2 URBAN DESIGN

General Policy

44 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.

45 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed. LPP D12 states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety.

46 LPP D3, CSP 15, DMLP 30, 31 and the provisions of the Alterations and Extensions SPD reflect this and are relevant.

Discussion

6.2.1 Alterations to Cladding

47 The proposed development has been undertaken to facilitate compliance with government standards and remove combustible materials. The existing elevation material is a combination of reinforced concrete slabs, walls and frame with the slabs projecting and exposed on the exterior.

48 The existing cladding is predominantly brick clad with the exposed party walls on the external façade painted white to delineate apartments.

49 The proposed alteration of the cladding consists of:

- Repair all defective exposed concrete elements, and bricks
- Clean all existing masonry facades as required
- The new insulation system would be the proposed Wetherby external wall insulation system: Epsibrick 7 MW External Wall Insulation System

50 Further alterations to the south Façade:

- The existing non-compliant rainscreen cladding to the South Elevation would be replaced with a combination of render and brick faced render cladding with installation of new A1 fire rated EWI with combination of render and brick faced finish. This would help to achieve an overall u-value performance of 0.28 W/m²K in compliance with the requirements of Part L of the building Regulations.

51 The proposed materials would be similar to the existing with improvement to the south elevation, in terms of the finishing and fire safety issues. Lewisham's building control officers have been consulted who raised no objection to the proposed materials in terms of compliance with Building Regulations. In principle the proposed materials palette is considered acceptable.

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6.2.2 Replacement of Roof Covering

- 52 The existing roof is poorly insulated and finished in mineral felt.
- 53 The proposal is to replace the roof with a new roof insulation and finish. The D&A states that with the replacement the scheme would achieve an overall combined u-value performance of 0.18 W/m²K.
- 54 The replacement of the roof covering would enhance the building as it would be an improvement to the current situation of the building. The new roof would keep the same design.

6.2.3 Replacement of Windows and Balcony Doors

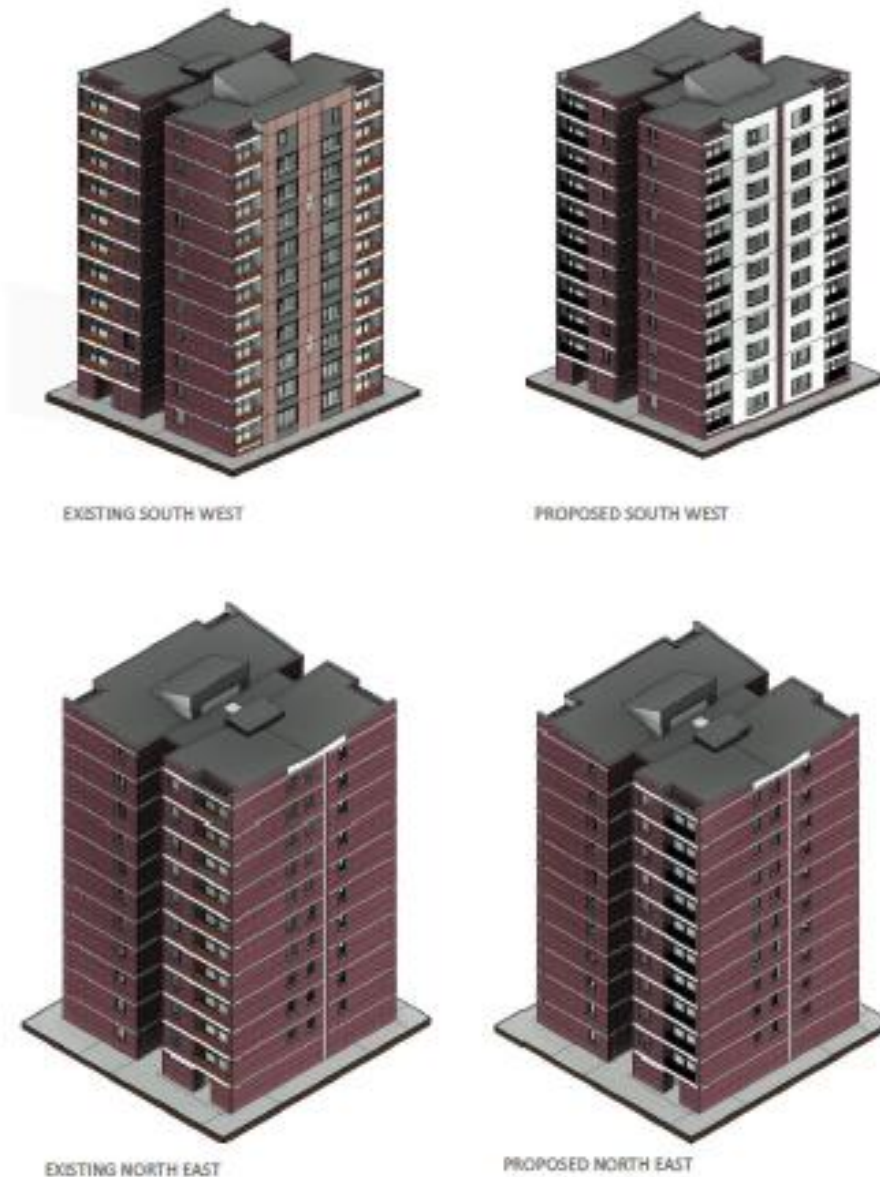
- 55 The existing windows are white uPVC. The proposal is to install new white uPVC double glazed in the same place and size of the existing windows and doors, style to match original. New double-glazed windows and screens are proposed to achieve a u-value performance of 0.16 W/m²K. In the D&A statement it is pointed out that installation of the new Rehau 70mm uPVC would achieve the requirements of BS EN12608:2016, Table 1.4 of Approved Document F and Approved Document K. The windows would have sills, and trickle vents, with tilt and turn hinges and restrictors, with locking handles in white. All windows with a sill height below 1000mm will require the installation of a lower-level fixed pane below the opening vent to enable the required sill height for the opening vent.
- 56 The screen at the lobby and communal space would be replaced with the same style and existing screen. The applicant has not confirmed the material but has suggested it would be Trespa® Meteon® which is a decorative high-pressure compact laminate.
- 57 The windows and doors would be the same style, material, and colour as the existing. Objections were raised questioning the quality of uPVC windows: the windows proposed are of good quality and would be similar to those used on many residential buildings and are considered unobjectionable. The new double-glazed windows would improve the building's performance in terms of energy efficiency, and sound isolation, and are supported

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Figure 2 Existing and proposed South West and North East



6.2.4 Replacement of Doors and Screens

- 58 The doors to the communal areas would receive coloured paint finish to match the main ground floor entrance, the colour is not confirmed yet.
- 59 Across the Dacres Estates there have been ongoing issues in relation to the fire safety and security of the doors to resident storage areas. The main existing dual sided access via intercom to ground floor entrance lobby would be replaced with new polyester powder coated aluminium entrances doors to the ground floor. The details of doors such as colour is not provided. A condition will be imposed to ensure high quality materials are used.

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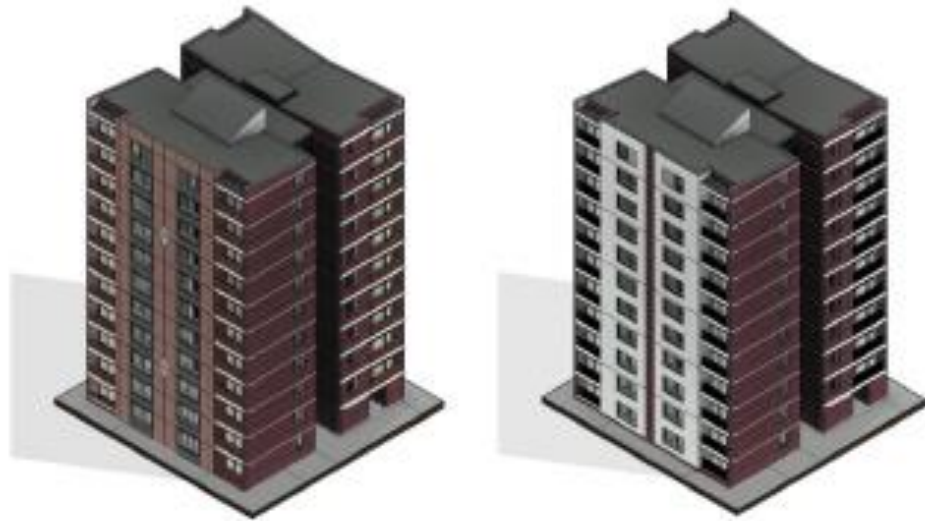
- 60 The doors to the flats would be new Rehau residential uPVC doors finished in white glazing (28mm Sealed Units) and multipoint locking mechanism to achieve the requirements of BS EN12608:2016.
- 61 New external glazed timber screens and doors to the central access core are proposed to ensure compliance with current fire safety legislation, by a minimum u-value of 1.6 W/m²K to achieve the requirements of the building regulations.
- 62 The doors to the storage spaces at ground floor would be replaced with new FD 30 timber doors. The existing plantroom steel doors would be repaired and painted.
- 63 The proposed doors and screen are considered as enhancement to the existing conditions and are supported.

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Figure 3 Existing and Proposed South East and North West



EXISTING SOUTH EAST

PROPOSED SOUTH EAST



EXISTING NORTH WEST

PROPOSED NORTH WEST

6.2.5 Replacement of balustrades to residents' balconies and communal balconies

- 64 The existing timber balustrade at the balconies would be replaced with polyester powder coated aluminium balustrades to ensure compliance with both Approved Documents Part B and Part K. The colour would be dark grey RAL colour: 7022. At the ground floor the existing masonry upstand would be retained, and the timber balustrade would be replaced with the railing.
- 65 Each flat is provided with a recessed balcony area secured with timber balustrades and enclosed with anti-bird mesh. The balconies would be repaired and upgraded for fire safety.

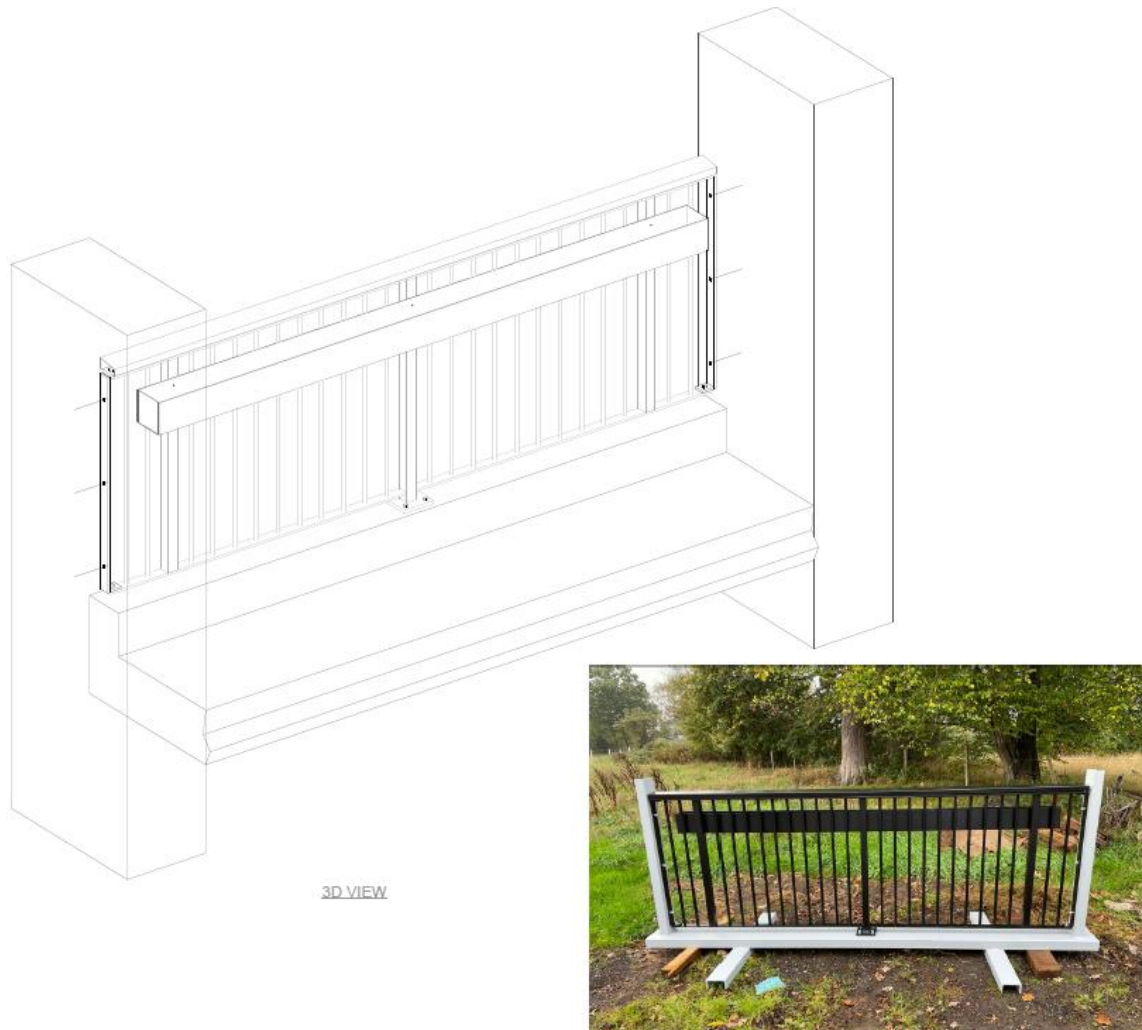
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- 66 Objections were received regarding the change of existing timber balustrades with metal railings. It is noted that timber balustrades at balconies of all of the five towers in this area are considered as an original character of these buildings. The replacement with metal railings is not considered inappropriate nor incongruous as this is a standard residential balcony enclosure. It is notable that, due to changes in the Building Regulations regarding fire safety, timber balustrades for high rise buildings such as this tower are no longer supported.
- 67 Officers are of the view that the current timber balustrades are in poor condition, and considering the quality of the proposed materials, they are acceptable.

Figure 3 Proposed Balustrade



6.2.6 Amenity Provision

- 68 Current ground floor landscaping remains as existing.

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6.2.7 Urban Design Conclusion

69 Given above, the works are considered to be acceptable and in keeping with the appearance of the refurbishment of the building.

6.3 TRANSPORT IMPACT

General policy

70 NPPF 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 to an acceptable degree.

71 Para 111 of the NPPF states 'Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or on the residual cumulative impacts on the road network would be severe'

6.3.1 Construction Management Plan

Policy

72 LP Policy T7 states that deliveries, servicing and construction should be conducted in the safety of residence and the surrounding area.

Discussion

73 No changes or alteration to the current parking arrangement or the access road, or passageway within the proposal. Therefore, the only Transport matter of some relevance to this planning application is the potential for short-term transport disruption from construction works.

74 Accordingly, the application has submitted a Construction Logistics Report, which was revised with The LBL Highway team.

75 Highways raise no objection to the proposed Construction Logistics Report. However as, it would be expected that with such extensive refurbishment, the delivery of materials to the sites with construction vehicles accessing the sites on a regular basis would be required, which could impede traffic or pedestrian flow and/or safety. A condition will be imposed to ensure the construction work would be in line with proposed CLMP.

76 Highway Team recommended that the applicant should apply for relevant permits/licences prior commencing the construction work via LBL Highway Team. An informative will be added to advise accordingly.

6.3.2 Transport impact conclusion

77 Officers are satisfied that the proposed development would not have an adverse impact on the surrounding highways network, subject to the recommended condition.

6.4 LIVING CONDITIONS OF NEIGHBOURS

General Policy

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78 CP15, DMP31(c) and the provisions of the Alterations and Extensions SPD are relevant.

Discussion

79 The proposed development is for renovation of the exterior facades of the buildings and therefore any impacts on daylight/sunlight, privacy and outlook for the neighbouring properties would be any different from the existing impact. Noise and disruption from the works phase are likely, given the proximity to other existing residential units.

80 Objections were received regarding the impact of the proposed balustrade on the privacy of neighbours, as railings could create greater potential of overlooking. It is noted that the existing balustrades are horizontal panels with little gaps between them; the details of the replacement railings provided show they would be vertical with narrow gaps. The railing would be similar to many residential buildings and are considered unobjectionable. In addition, it is noted that there is sufficient distance between the balconies facing surrounding building for a minimum distance of 34m, far in excess of the 21m used as a guide in the GLAs Housing SPG and the 16m used in Lewisham's Small Sites SPD.

81 Therefore, officers are of the view that there would be no change in terms of impact on privacy due to changing of timber balustrades to metallic railing.

6.4.1 Impact on neighbours conclusion

82 The proposed development is considered acceptable in regard to impact on amenities of neighbouring residential units.

6.5 SUSTAINABLE DEVELOPMENT

General Policy

83 Para 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 of communities and infrastructure to climate change impacts.

84 CS Objective 5 reflects the principles of the NPPF and sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DM Policy 22 support this. Small Sites SPD section 11 and 21 provides guidance on sustainability, which is not included in this application

6.5.1 Changes to Drainage

85 There would be no change to the below-ground drainage. It is, however, proposed that the below-ground network be CCTV surveyed to assess its condition and allow any localised repairs, if identified, to be carried out.

86 Any modifications to the drainage system will be in accordance with Building Regulations Part H for the private drainage network.

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6.5.2 Energy and carbon emissions reduction

Policy

87 LPP SI2 states that major development should achieve zero carbon and should minimise to peak energy demand in accordance with the following energy hierarchy: Be lean: use less energy; Be clean: supply energy efficiently; and Be green: use renewable energy.

Discussion

88 Objections were submitted asserting that the proposal will not comply with objective 5 of LBL Core Strategy regarding the energy performance. An Outline Energy Statement is provided by the applicant.

89 It is noted that the proposal is for alterations to the external materials, such as windows and doors, which is expected to improve the insulation and would improve the performance of the building in terms of energy efficiency. Therefore, as an existing building, although, the proposal would not fulfil all criteria listed under CS objective 5, Officers are satisfied that there would be an improvement to the energy efficiency elements of the building in line with CSO 5. Officers consider this to be a planning merit of the scheme, helping to contribute towards reducing carbon emissions.

6.5.3 Fire Safety

General Policy

90 LP Policy D12 Fire safety highlighted all development proposals must achieve the highest standards of fire safety. Paragraph 3.12.11 stated that proposals for those refurbishments that requires planning permission, will be subject to London Plan policy to ensure all existing buildings are safe.

Discussion

91 On 1 August 2021 Gateway One was adopted, which introduces new Government planning guidance for fire safety in relation to high rise buildings (18m+). The guidance requires the submission of a Fire Statement in support of planning applications relating to high rise development. The applicant has submitted a Fire statement form. The London Fire Brigade has been consulted and no objections was raised. LFB has required that an undertaking as required by Part B5 of the current Building Regulations Approved Document B should be given by the applicant that access for fire appliances and adequate water supplies for firefighting purposes should be provided. therefore, and informative regarding the above-mentioned Building Regulation will be added.

92 The existing fire access strategy for the site will remain as existing, which permits Fire Tender Access within 18m of the main entrance of each building/fire hydrant and within 40m of all facades. A dry riser is also provided within each building for connection by Fire and Rescue Services.

93 Provided D&A Statement indicates that an inspection of PAS 9980 fire safety test has been undertaken. Consequently, based on the outcome and recommendations of the inspection several alterations, such as change of materials, replacement of cladding to South Elevations and removing the non-compliant rainscreen cladding to achieve a fire safety performance rating of a minimum A2, S1-d0, has been proposed. The Council Building Control has raised no objections.

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6.5.4 Sustainable Infrastructure Conclusion

94 Officers are satisfied that the proposed alteration of materials and related measures will improve the fire safety aspects of the building and it is considered acceptable and a planning merit of the scheme.

7 LOCAL FINANCE CONSIDERATIONS

95 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).

96 The weight to be attached to a local finance consideration remains a matter for the decision maker.

97 In this instance, the proposal is to upgrade the building by alterations and refurbishment. Therefore, CIL is not a material consideration.

8 EQUALITIES CONSIDERATIONS

98 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.

99 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.

100 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.

101 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

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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>

- 102 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
- 103 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>
- 104 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

- 105 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
- 106 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.
- 107 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

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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.

108 This application has the legitimate aim of upgrading the building by alterations and refurbishment of the 11-storey tower with residential uses. The rights potentially engaged by this application, including above convention are considered to be complied with by this proposal.

10 CONCLUSION

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

110 The proposed scheme is supported in principle. Its design, and materials would be similar to the existing and overall, Officers are of the view that it is acceptable. The proposal would not have any unacceptable impact on flat occupiers or any neighbouring properties in terms of overlooking, loss of daylight/sunlight, or noise disturbance. The measures include improving the building's thermal efficiency and fire safety, both of which Officers consider to be planning merits attracting significant weight.

111 The proposal would not have any adverse impact on the transportation network, subject to the condition related to CLMP.

112 In light of the above, the application is recommended for approval, subject to the schedule of conditions set out below.

11 RECOMMENDATION

113 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 the expiration of three years beginning with the date on which the permission is granted.

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

2) **APPROVED PLANS**

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

7020-ARC-01-ZZ-DR-A-011001 Rev P2;

7020-ARC-01-ZZ-DR-A-011100 Rev P3;

7020-ARC-01-ZZ-DR-A-011101 Rev P3;

7020-ARC-01-ZZ-DR-A-011501 Rev P2;

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7020-ARC-01-ZZ-DR-A-011502 Rev P2;
7020-ARC-01-ZZ-DR-A-011511 Rev P2;
7020-ARC-01-ZZ-DR-A-011512 Rev P3;
7020-ARC-XX-ZZ-DR-A-010551 Rev P3;
PBWPB/01 A;
PBWPB/02;
01 - Clairville Brick Slip System;
01 - Clairville External Wall Insulation System;
01 - Clairville Roof Systems (by Langley);
01 - Clairville Windows;
Construction Logistics Template

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) **Construction Logistics Management Plan**

All construction on site should be in accordance with the submitted Construction Phase SHEQ Management Plan (prepared by United Living).

The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

4) **CONSTRUCTION HOURS**

No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8am to 6pm during school holidays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to avoid peak school hour and to comply with Paragraph 170 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout, and space standards of the Development Management Local Plan (November 2014).

5) **SCHEDULE OF MATERIALS**

- a) No development to remove and replace the existing cladding or the external doors shall commence on site until further details have been

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submitted to and approved in writing by the local planning authority. Such details shall include:

- i) a detailed schedule and specification of the precise brick slip and the colour of the render to be used; and
 - ii) detailed drawings of external door and surrounding door sets where being replaced
- b) The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) 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) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page. You are also advised to join and adhere to the Considerate Constructors Scheme (ccscheme.org.uk).
- 3) London Fire Brigade required that these items should be provided on site 1) access for fire appliances as required by Part B5 of the current Building Regulations Approved Document B and 2) adequate water supplies for firefighting purposes.
- 4) The applicant is advised to apply for all relevant permits and licences prior to commencement the construction work via London Borough of Lewisham Highway Team.

12 BACKGROUND PAPERS

- Submission Drawings, CGI, and Photos
- Submission Technical Reports and Documents
- Internal and external consultee responses

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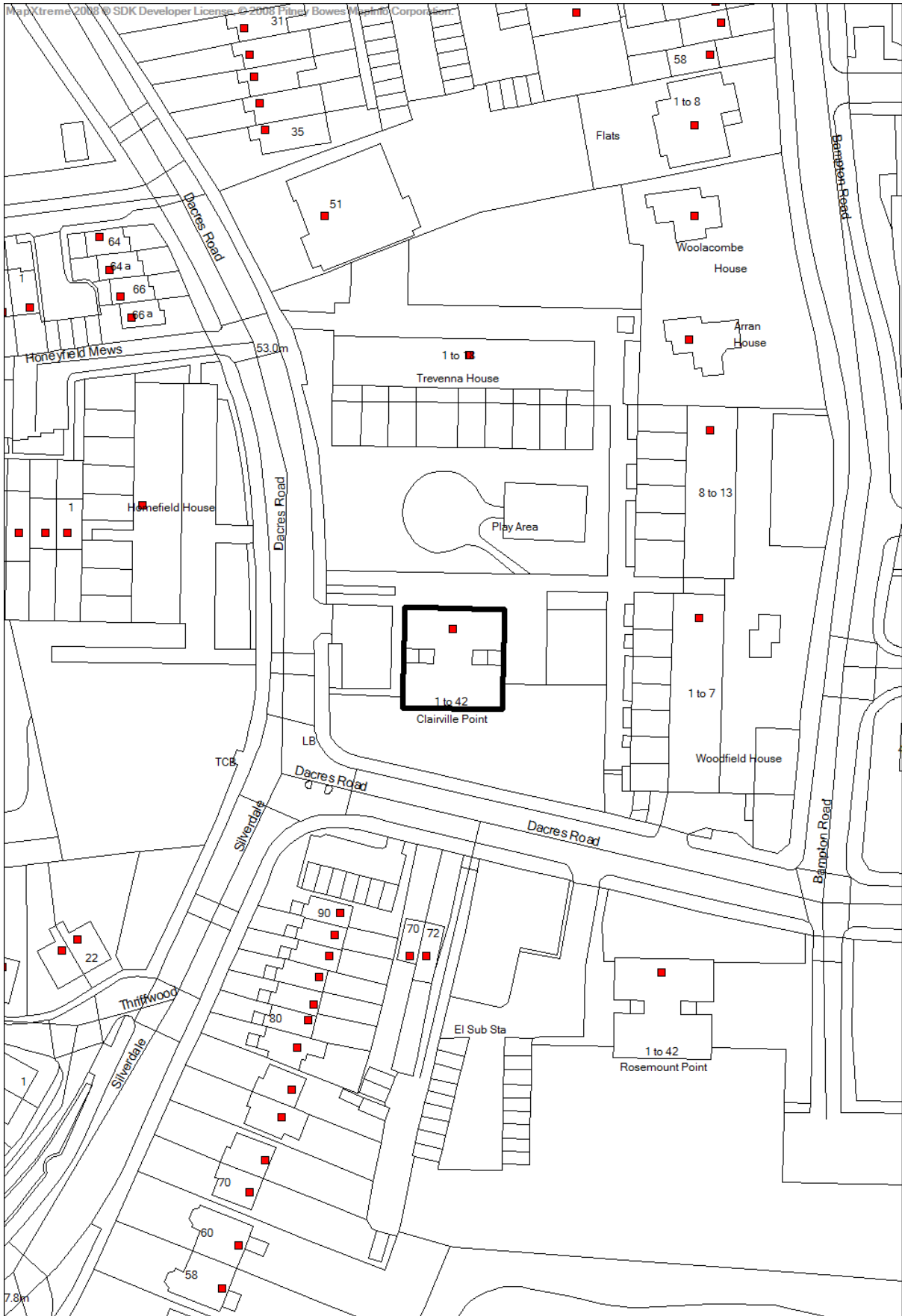
13 REPORT AUTHOR AND CONTACT

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- Email: Zahra.Rad@lewisham.gov.uk
- Telephone: 020 831 49153

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Planning Committee A

Report title:

DEEPDENE POINT, DACRES ROAD, LONDON, SE23 2BN.

Date: 25 May 2023

Key decision: No.

Class: Part 1

Ward(s) affected: Perry Vale

Contributors: Zahra Rad

Outline and recommendations

This report sets out the officer's recommendation of approval for the above proposal subject to conditions and informatives

The report has been brought before the committee for a decision due to the submission of seven objections from neighbouring properties

Application details

Application reference number(s):	DC/23/130571
Application Date:	28 February 2023
Applicant:	Arcus Consulting LLP
Proposal:	Refurbishment of external cladding, replacement of windows, doors, balconies, screens and roof finishes at DEEPDENE POINT, DACRES ROAD, LONDON, SE23 2BN.
Background Papers:	(1) Submitted drawings and documents (2) Submitted photos (3) Internal and external consultee responses
Designation:	PTAL 2
Screening:	N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application relates to a purpose-built 11-storey (including ground floor) block of flats, comprising of 42 flats (21 x 2 bed s and 21 x 1 bed flats) known as Deepdene Point located on the south side of Dacres Road.
- 2 The application site is one of a group of five blocks. All five blocks have the same style and are visible from a distance along Dacres Road, Silverdale, Bampton Road, Queenswood Road and Mayow Road.

Character of area

- 3 The area is predominantly residential in character. To the north, west and east are terraced and detached two storey properties.

Heritage/archaeology

- 4 The property is not within a Conservation Area and is not subject to an Article 4 Direction.

Surrounding area

- 5 Forest Hill School and its sport centre is less than 200m of the application site.

Local environment

- 6 Mayow Park and Dacres Wood Nature Reserve are within 200m of the application site.

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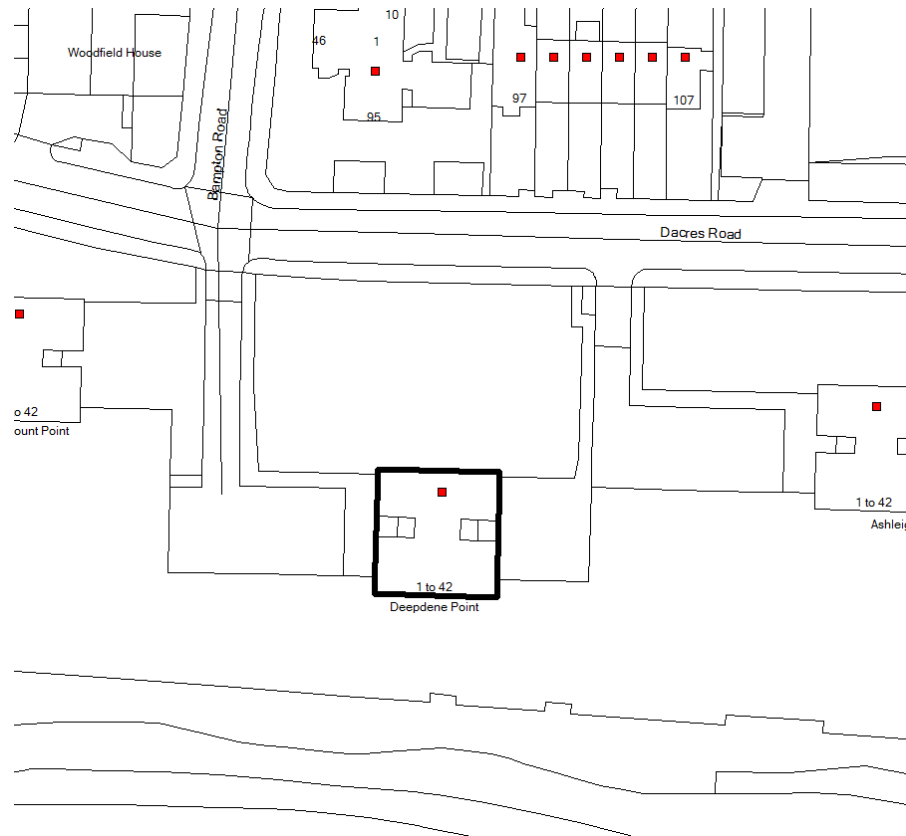
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Transport

- 7 The application site has a PTAL rate of 2. Sydenham station is 0.5 mile away (10 minutes walking) from the site, and several bus stops are within 5 minutes walking distance of the application site serving routes 356, 75, 122, 126 and 197.

Figure 1 Site Location Plan



2 RELEVANT PLANNING HISTORY

- 8 **DC/15/091404** - The installation of safety barriers on the roof of 1-42 Deepdene Point, Dacres Road SE23. Granted 14/07/2015.
- 9 **DC/22/128526** - Refurbishment of external cladding, replacement of windows, doors, balconies, screens and roof finishes at DEEPDENE POINT, DACRES ROAD, LONDON, SE23 2BN. Withdrawn 28/02/2022.
- 10 The following application are related to the other towers in this area, with similar proposal.
- 11 **DC/22/128471** - Refurbishment of external cladding, replacement of windows, doors, balconies, screens and roof finishes at CLAIRVILLE POINT, DACRES ROAD, LONDON, SE23 2PA. Pending
- 12 **DC/23/130570** - Refurbishment of external cladding, replacement of windows, doors, balconies, screens and roof finishes at ROSEMOUNT POINT, DACRES ROAD, LONDON, SE23 2BW. Pending.

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- 13 **DC/23/130573** - Refurbishment of external cladding, replacement of windows, doors, balconies, screens and roof finishes at ASHLEIGH POINT, DACRES ROAD, LONDON, SE23 2XL. Pending.
- 14 **DC/23/130574** - Refurbishment of existing cladding, replacement of windows, doors, balconies, screens and roof finishes at HEATHWOOD POINT, DACRES ROAD, LONDON, SE23 2XJ. Pending.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 15 The proposal is to refurbish external cladding, replacement of windows, doors, balconies, screens, and roof finishes.
- 16 The proposals at Deepdene Point comprises of the following details externally:
- new windows, and external vents
 - new entrance doors
 - new external glazed timber screens and doors to the central access core to ensure compliance with current fire safety legislation
 - removal of non-compliant external wall cladding and replacement with new render and brick faced EWI insulation to comply with current fire safety legislation.
 - new roof finishes and insulation
 - removal of non-compliant timber balustrading to balconies and replacement with new painted metal railings to comply with current fire safety legislation
 - upgrading of resident's storage doors at ground floor level to improve and enhance fire safety
 - upgrading of existing foul and surface water drainage provision
 - structural remediation and decoration work to existing: Brickwork and Concrete facing elements
- 17 The proposal also includes the following internal alterations which do not require planning permission: new bathroom installations, including internal insulation to walls; new kitchen installations; upgrading to communal areas through; decorations to wall and floor finishes; replacement doors; any improvements or upgrading required to meet the requirements of current fire safety legislation and/or lighting and electrical systems.

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4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

18 No pre-application was conducted, however discussions with the applicant took place prior to validation, to ensure all the relevant documents are provided and also, the design aspects of the proposal were reviewed before submission.

4.2 APPLICATION PUBLICITY AND CONSULTATION

19 Site notices were displayed on 13/03/2023.

20 46 letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 13/03/2023.

21 Seven responses were received, comprising of 7 objections.

4.2.1 Comments in objection

Comment	Para where addressed
Discrepancy within D&A regarding reducing heating costs.	[para 88]
The proposal is contrary with Policy C1.8 of Core Strategy Objective 5 of the Local Implementation Plan 2011-2030.	[para 88 and 89]
The wooden balcony should be a part of the EWI works from what has been demonstrated in the drawings, and don't respect the original design.	[para 66 and 67]
Potential of amenity impact with change balustrade design, particularly in the lower levels.	[para 80]
The quality of uPVC windows and the question on how new windows design will help with ventilation especially in the winter due to how they will open.	[para 57]

4.2.2 Non material planning consideration comments

22 A number of comments are related to the consultation procedure between Lewisham Homes and the occupiers/owners of flats including transparency on cost, selecting contractor procedure, lack of investment in maintenance of Dacres Estate, management of building, installation of charging points, possible long term scaffolding in place, lack of investment in maintenance of Dacres Estate and etc. *Officer's Response:* Officers are satisfied that none of the issues raised, including those related to the consultation procedure, have any material impact on the assessment of the application and it should be noted that the points raised are issues for the freeholder and leaseholders to resolve and are not material planning considerations.

23 Objections were raised regarding the lack of details to determine the improvement and objectives mentioned in D&A, such as u-value of existing double-glazed windows. *Officers' response:* the u-value has been discussed on pages 21,23 and 27 of D&A.

24 Comments raised regarding the commitment by United Living Group (ULG) on not increasing the limitation of restrictions for specific times on deliveries, and parking usage by contractors, no resolution of the complaints raised during construction period. *Officer's response:* these issues (related to construction period) are not within the scope

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of this proposal and are not considered as material planning consideration, unless specified by a condition with which the contractors must comply.

25 Objections raised the issue of discrepancy in the application form such as incorrectly stating that the Dacres Estate blocks are in private ownership, rather than public ownership, and that the owner is Lewisham Homes rather than LB Lewisham. *Officer's Response:* Officers are satisfied the application is properly made and no discrepancies exist which would call into question the validity of the application or any subsequent decision.

26 Objections raised regarding the internal alterations: *Officer's Response;* alterations do not require planning permission and are therefore not part of this application and have not been assessed.

4.3 INTERNAL CONSULTATION

27 The following internal consultees were notified on 13/03/2023.

28 Highways: raised no objections subject to conditions.

29 Climate Resilience Management: no response.

30 Building Control: no objections

4.4 EXTERNAL CONSULTATION

31 The following External Consultees were notified on 13/03/2023:

32 Fire Brigade: raised no objection, but make recommendations, please see below

5 POLICY CONTEXT

5.1 LEGISLATION

33 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

34 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.

35 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.

36 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

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sets out the weight Officers have given to the relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the 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

37 The Development Plan comprises:

- London Plan (March 2021) (LP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

38 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

39 London Plan SPG/SPD:

- Energy Assessment Guidance (October 2018)

6 PLANNING CONSIDERATIONS

40 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

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

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42 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.

Policy

43 The Development Plan is generally supportive of alterations and extensions to residential buildings. In this case, the aim of the improvements is to improve fire safety and to bring key elements of the building up to compliance with current Building Regulations. The principle of development is supported, subject to details.

6.2 URBAN DESIGN

General Policy

44 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.

45 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed. LPP D12 states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety.

46 LPP D3, CSP 15, DMLP 30, 31 and the provisions of the Alterations and Extensions SPD reflect this and are relevant.

Discussion

6.2.1 Alterations to Cladding

47 The proposed development has been undertaken to facilitate compliance with the government standards and remove combustible materials. The existing elevation material is a combination of reinforced concrete slabs, walls and frame with the slabs projecting and exposed on the exterior.

48 The existing cladding is predominantly brick clad with the exposed party walls on the external façade painted white to delineate apartments.

49 The proposed alteration of the cladding consists of:

- Repair all defective exposed concrete elements, and bricks
- Clean all existing masonry facades as required
- The new insulation system would be the proposed Wetherby external wall insulation system: Epsibrick 7 MW External Wall Insulation System

50 Further alterations to the south Façade:

- The existing non-compliant rainscreen cladding to the South Elevation would be replaced with a combination of render and brick faced render cladding with installation of new A1 fire rated EWI with combination of render and brick faced finish. This would help to achieve an overall u-value performance of 0.28 W/m²K in compliance with the requirements of Part L of the building Regulations.

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51 The proposed materials would be similar to the existing with improvement to the south elevation, in terms of the finishing and fire safety issues. Lewisham's building control officers have been consulted who raised no objection to the proposed materials in terms of compliance with Building Regulations. In principle the proposed materials palette is considered acceptable.

6.2.2 Replacement of Roof Covering

52 The existing roof is poorly insulated and finished in mineral felt.

53 The proposal is to replace the roof with a new roof insulation and finish. The D&A states that with the replacement the scheme would achieve an overall combined u-value performance of 0.18 W/m²K. The new roof would keep the same design.

54 The replacement of the roof covering would enhance the building as it would be an improvement to the current situation of the building.

6.2.3 Replacement of Windows and Balcony Doors and screens

55 The existing windows are white uPVC. The proposal is to install new white uPVC double glazed in the same place and size of the existing windows and doors, style to match original. New double-glazed windows and screens are proposed to achieve a u-value performance of 0.16 W/m²K. In the D&A statement it is pointed out that installation of the new Rehau 70mm uPVC would achieve the requirements of BS EN12608:2016, Table 1.4 of Approved Document F and Approved Document K. The windows would have sills, and trickle vents, with tilt and turn hinges and restrictors, with locking handles in white. All windows with a sill height below 1000mm will require the installation of a lower-level fixed pane below the opening vent to enable the required sill height for the opening vent.

56 The screen at the lobby and communal space would be replaced with the same style and existing screen. The applicant has not confirmed the material but has suggested it would be Trespa® Meteon® which is a decorative high-pressure compact laminate.

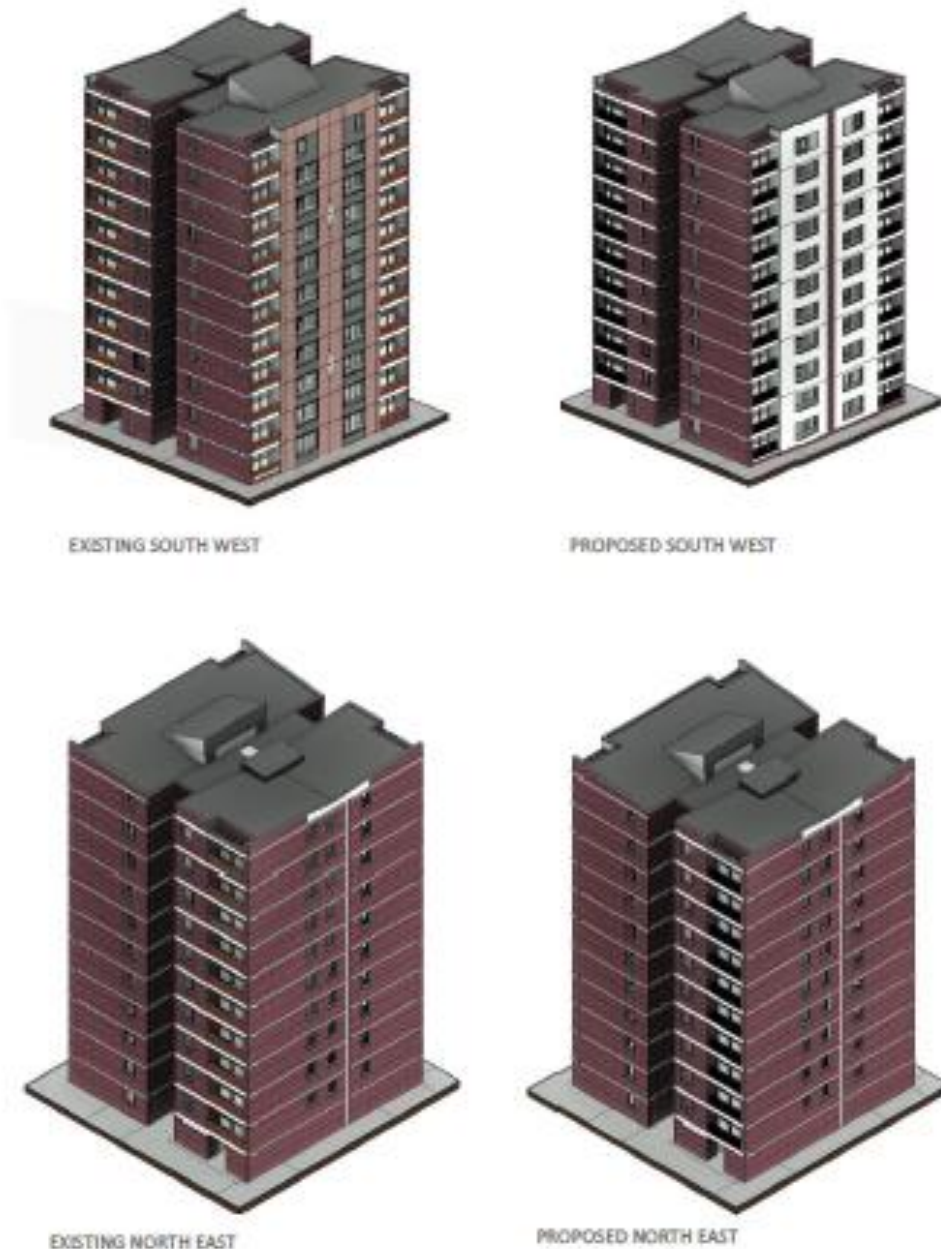
57 The windows and doors would be the same style, material, and colour as the existing. Objections were raised questioning the quality of uPVC windows: the windows proposed are of good quality and would be similar to these use on many residential buildings and are considered unobjectionable. The new double-glazed windows would improve the building's performance in terms of energy efficiency, and sound isolation, and are supported.

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Figure 2 Existing and proposed South West and North East



6.2.4 Replacement of Doors and Screens

- 58 The doors to the communal areas would receive coloured paint finish to match the main ground floor entrance, the colour is not confirmed yet.
- 59 Across the Dacres Estates there have been ongoing issues in relation to the fire safety and security of the doors to resident storage areas. The main existing dual sided access via intercom to ground floor entrance lobby would be replaced with new polyester powder coated aluminium entrances doors to the ground floor. The details of doors such as colour is not provided. A condition will be imposed to ensure high quality materials are used.

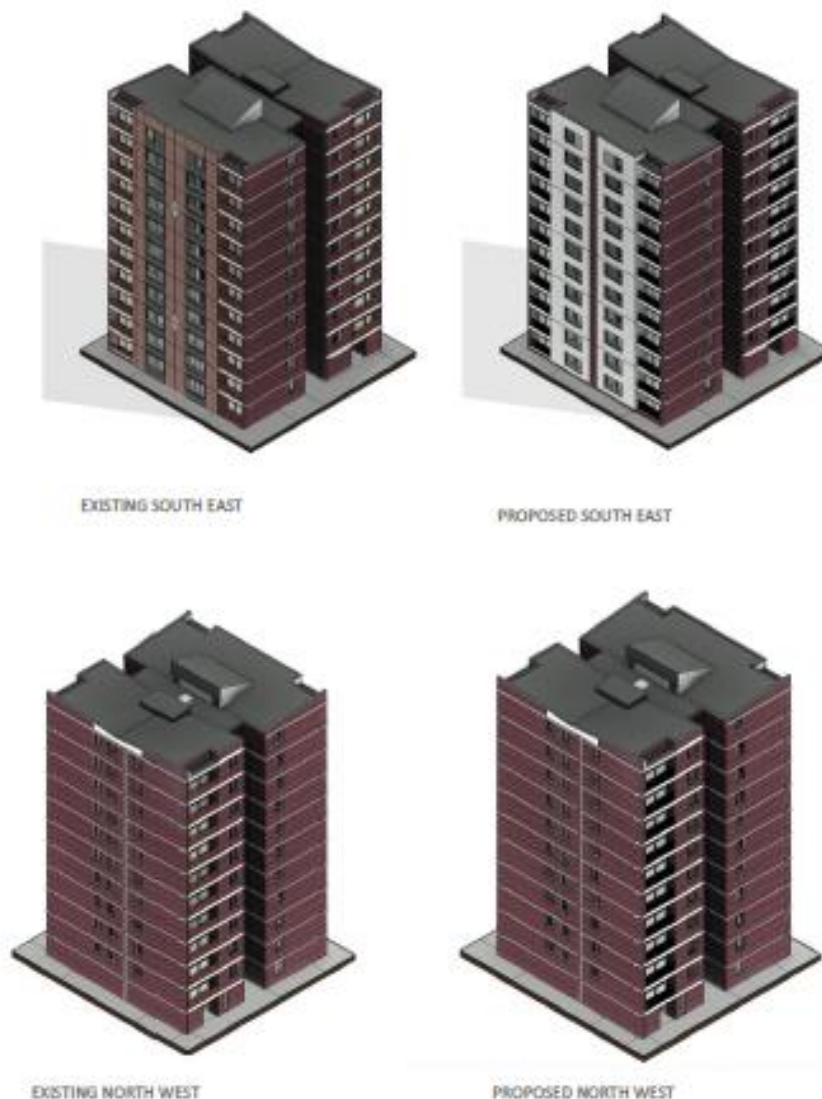
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- 60 The doors to the flats would be new Rehau residential uPVC doors finished in white glazing (28mm Sealed Units) and multipoint locking mechanism to achieve the requirements of BS EN12608:2016.
- 61 New external glazed timber screens and doors to the central access core are proposed to ensure compliance with current fire safety legislation, by a minimum u-value of 1.6 W/m²K to achieve the requirements of the building regulations.
- 62 The doors to the storage spaces at ground floor would be replaced with new FD 30 timber doors. The existing plantroom steel doors would be repaired and painted.
- 63 The proposed doors and screen are considered as enhancement to the existing conditions and are supported.

Figure 3 Existing and Proposed South East and North West



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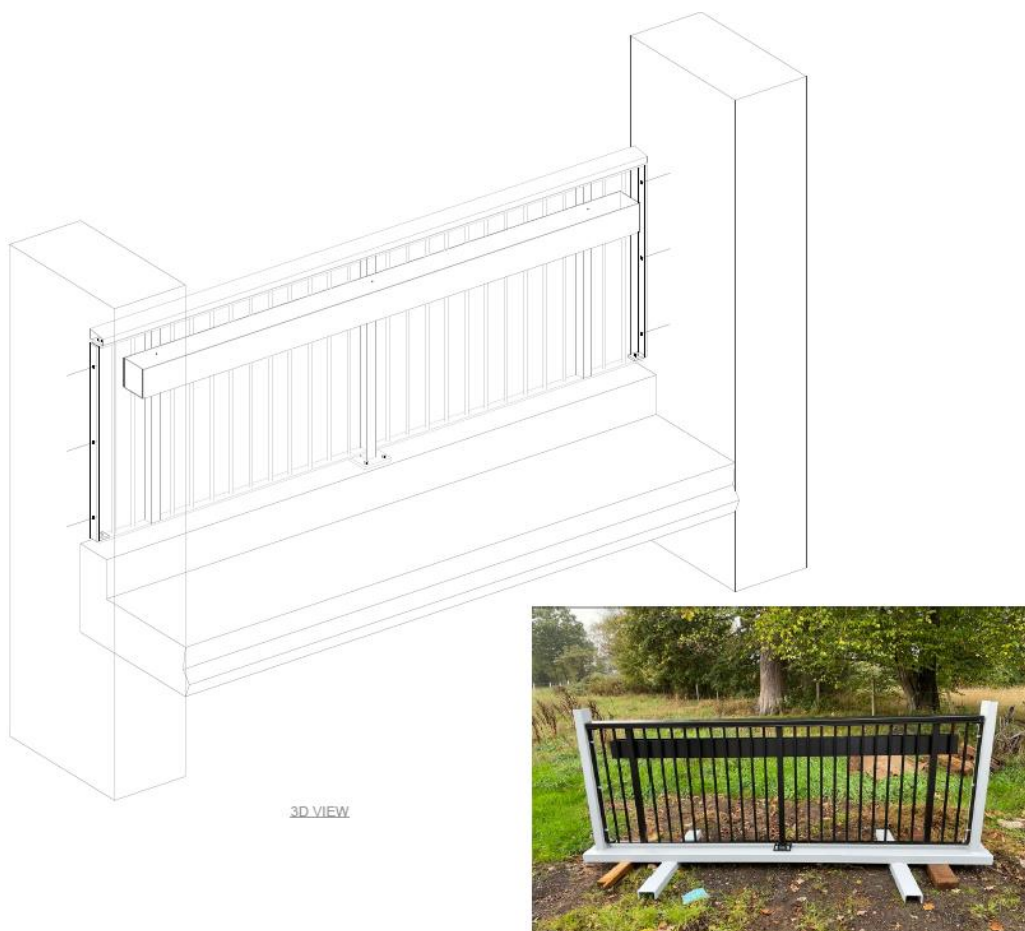
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6.2.5 Replacement of balustrades to residents' balconies and communal balconies

- 64 The existing timber balustrade at the balconies would be replaced with polyester powder coated aluminium balustrades to ensure compliance with both Approved Documents Part B and Part K. The colour would be dark grey RAL colour: 7022. At the ground floor the existing masonry upstand would be retained, and the timber balustrade would be replaced with the railing.
- 65 Each flat is provided with a recessed balcony area secured with timber balustrades and enclosed with anti-bird mesh. The balconies would be repaired and upgraded for fire safety.
- 66 Objections were received regarding the change of existing timber balustrades with metal railings. It is noted that timber balustrades at balconies of all the five towers in this area are considered as an original character of these buildings. The replacement with metal railings is not considered inappropriate nor incongruous as this is a standard residential balcony enclosure. It is notable that, due to changes in the Building Regulations regarding fire safety, timber balustrades for high rise buildings such as this tower, are no longer supported.
- 67 Officers are of the view that the current timber balustrades are in poor condition, and considering the quality of the proposed materials, they are acceptable.

Figure 4 Proposed Balustrade



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6.2.6 Amenity Provision

68 Current Ground floor landscaping remains as existing.

6.2.7 Urban Design Conclusion

69 Given above, the works are considered to be acceptable and in keeping with the appearance of the refurbishment of the building.

6.3 TRANSPORT IMPACT

General policy

70 NPPF 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 to an acceptable degree.

71 Para 111 of the NPPF states 'Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or on the residual cumulative impacts on the road network would be severe'

6.3.1 Construction Management Plan

Policy

72 LP Policy T7 states that deliveries, servicing and construction should be conducted in the safety of residence and the surrounding area.

Discussion

73 No changes or alteration to the current parking arrangement or the access road, or passageway within the proposal. Therefore, the only Transport matter of some relevance to this planning application is the potential for short-term transport disruption from construction works.

74 Accordingly, the applicant has submitted a Construction Logistics Report, which was revised with The LBL Highway team.

75 Highways raise no objection to the proposed Construction Logistics Report. However as, it would be expected that with such extensive refurbishment, the delivery of materials to the sites with construction vehicles accessing the sites on a regular basis would be required, which could impede traffic or pedestrian flow and/or safety. A condition will be imposed to ensure the construction work would be in line with proposed CLMP.

76 Highway Team recommended that the applicant should apply for relevant permits/licences prior commencing the construction work via LBL Highway Team. An informative will be added to advise accordingly.

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6.3.2 Transport impact conclusion

77 Officers are satisfied that the proposed development would have not an adverse impact on the surrounding highways network, subject to the recommended condition.

6.4 LIVING CONDITIONS OF NEIGHBOURS

General Policy

78 CP15, DMP31(c) and the provisions of the Alterations and Extensions SPD are relevant.

Discussion

79 The proposed development is for renovation of the exterior facades of the buildings and therefore there would be no impacts on daylight/sunlight, privacy and outlook for the neighbouring properties. Noise and disruption from the works phase are likely, given the proximity to other existing residential units. Therefore, a condition is recommended to be imposed to ensure that works are carried out at neighbourly hours.

80 Objections were received regarding the impact of the proposed balustrade on the privacy of neighbours, as railings would create greater potential of overlooking. It is noted that the existing balustrades are horizontal panels with little gaps between them, the details of railing provided, would be vertical with narrow gaps. The railing would be similar to many residential buildings and are considered unobjectionable. In addition, it is noted that there is a minimum 39m distance between the balconies facing surrounding building, far in excess of the 21m used as a guide in the GLAs Housing SPG and the 16m used in Lewisham's Small Sites SPD.

81 Therefore, officers are of the view that there would be no change in terms of impact on privacy due to changing of balustrades to railing.

6.4.1 Impact on neighbours: conclusion

82 The proposed development is considered acceptable in regard to impact on amenities of neighbouring residential units.

6.5 SUSTAINABLE DEVELOPMENT

General Policy

83 Para 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 of communities and infrastructure to climate change impacts.

84 CS Objective 5 reflects the principles of the NPPF and sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DM Policy 22 support this. Small Sites SPD section 11 and 21 provides guidance on sustainability.

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6.5.1 Changes to Drainage

85 There would be no change to the below-ground drainage. It is, however, proposed that the below-ground network be CCTV surveyed to assess its condition and allow any localised repairs, if identified, to be carried out.

86 Any modifications to the drainage system will be in accordance with Building Regulations Part H for the private drainage network, which is not included in this application.

6.5.2 Energy and carbon emissions reduction

Policy

87 LPP SI2 states that major development should achieve zero carbon and should minimise to peak energy demand in accordance with the following energy hierarchy: Be lean: use less energy; Be clean: supply energy efficiently; and Be green: use renewable energy.

Discussion

88 Objections were submitted asserting that the proposal will not comply with objective 5 of LBL Core Strategy regarding the energy performance. An Outline Energy Statement is provided by the applicant.

89 It is noted that the proposal is for alteration to the external materials, such as windows and doors, which is expected to improve the insulation and would improve the performance of the building in terms of energy efficiency. Therefore, as an existing building, although, the proposal would not fulfil all criteria listed under CS objective 5, Officers are satisfied that there would be an improvement to the energy efficiency elements of the building in line with CSO 5. Officers consider this to be a planning merit of the scheme, helping to contribute towards reducing carbon emissions.

6.5.3 Fire Safety

General Policy

90 LP Policy D12 Fire safety highlighted all development proposals must achieve the highest standards of fire safety. Paragraph 3.12.11 stated that proposals for those refurbishments that requires planning permission, will be subject to London Plan policy to ensure all existing buildings are safe.

Discussion

91 On 1 August 2021 Gateway One was adopted, which introduces new Government planning guidance for fire safety in relation to high rise buildings (18m+). The guidance requires the submission of a Fire Statement in support of planning applications relating to high rise development. The applicant has submitted a Fire statement form. The London Fire Brigade has been consulted and no objections was raised. LFB has required that an undertaking as required by Part B5 of the current Building Regulations Approved Document B should be given by the applicant that access for fire appliances and adequate water supplies for firefighting purposes should be provided. therefore, and informative regarding the above-mentioned Building Regulation will be added.

92 The existing fire access strategy for the site will remain as existing, which permits Fire Tender Access within 18m of the main entrance of each building/fire hydrant and within

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40m of all facades. A dry riser is also provided within each building for connection by Fire and Rescue Services.

93 Provided D&A Statement indicates that an inspection of PAS 9980 fire safety test has been undertaken. Consequently, based on the outcome and recommendations of the inspection several alterations, such as change of materials, replacement of cladding to South Elevations and removing the non-compliant rainscreen cladding to achieve a fire safety performance rating of a minimum A2, S1-d0, has been proposed. The Council Building Control has raised no objections.

6.5.4 Sustainable Infrastructure Conclusion

94 The application site lies outside of Flood zones 2 and 3 and is therefore at low risk of flooding. The Flood Risk Team raised no objection to the proposal.

95 Officers are satisfied that the proposed alteration of materials and related measures will improve the fire safety aspects of the building and it is considered acceptable and a planning merit of the scheme.

7 LOCAL FINANCE CONSIDERATIONS

96 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).

97 The weight to be attached to a local finance consideration remains a matter for the decision maker.

98 In this instance, the proposal is to upgrade the building by alterations and refurbishment. Therefore, CIL is not a material consideration.

8 EQUALITIES CONSIDERATIONS

99 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.

100 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;

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- foster good relations between people who share a protected characteristic and persons who do not share it.

- 101 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.
- 102 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>
- 103 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
- 104 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>
- 105 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

- 106 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:

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- 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

107 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.

108 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.

109 This application has the legitimate aim of upgrading building by alterations and refurbishment of the 11-storey tower with residential uses. The rights potentially engaged by this application, including above convention are considered not to be interfered with by this proposal.

10 CONCLUSION

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

111 The proposed scheme is supported in principle. Its design, and materials, would be similar to the existing and overall, Officers are of the view that it is acceptable. The proposal would not have any unacceptable impact on flat occupiers or any neighbouring properties in terms of overlooking, loss of daylight/sunlight, or noise disturbance. The measures include improving the building's thermal efficiency and fire safety, both of which Officers consider to be planning merits attracting significant weight.

112 The proposal would not have any adverse impact on the transportation network, subject to the condition related to CLMP.

113 In light of the above, the application is recommended for approval, subject to the schedule of conditions set out below.

11 RECOMMENDATION

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

11.1 CONDITIONS

- 1) **FULL PLANNING PERMISSION TIME LIMIT**

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The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

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

2) **APPROVED PLANS**

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

7020-ARC-03-ZZ-DR-A-013001 Rev P2;
7020-ARC-03-ZZ-DR-A-013100 Rev P1;
7020-ARC-03-ZZ-DR-A-013101 Rev P1;
7020-ARC-03-ZZ-DR-A-013501 Rev P1;
7020-ARC-03-ZZ-DR-A-013502 Rev P1;
7020-ARC-03-ZZ-DR-A-013511 Rev P1;
7020-ARC-03-ZZ-DR-A-013512 Rev P1;
7020-ARC-XX-ZZ-DR-A-010551 Rev P3;
PBWPB/01 Rev A;
PBWPB/02 Rev A;
03 - Deepdene Brick Slip System;
03 - Deepdene External Wall Insulation System;
03 - Deepdene Roof Systems (by Langley);
03) Deepdene Windows;
03 - Deepdene Balustrade - Designed and Supplied;
Construction Logistics Construction Logistics Template

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) **Construction Logistics Management Plan**

All construction on site should be in accordance with the submitted Construction Phase SHEQ Management Plan (prepared by United Living).

The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

4) **CONSTRUCTION HOURS**

No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8am to 6pm during school holidays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

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No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to avoid peak school hour and to comply with Paragraph 170 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout, and space standards of the Development Management Local Plan (November 2014).

5) SCHEDULE OF MATERIALS

- a) No development to remove and replace the existing cladding or the external doors shall commence on site until further details have been submitted to and approved in writing by the local planning authority. Such details shall include:
 - i) a detailed schedule and specification of the precise brick slip and the colour of the render to be used; and
 - ii) detailed drawings of external door and surrounding door sets where being replaced
- b) The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) 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) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page. You are also advised to join and adhere to the Considerate Constructors Scheme (ccscheme.org.uk)
- 3) London Fire Brigade required that these items should be provided on site 1) access for fire appliances as required by Part B5 of the current Building Regulations Approved Document B and 2) adequate water supplies for firefighting purposes.

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- 4) The applicant is advised to apply for all relevant permits and licences prior to commencement the construction work via London Borough of Lewisham Highway Team.

12 BACKGROUND PAPERS

- Submission Drawings, CGI, and Photos
- Submission Technical Reports and Documents
- Internal and external consultee responses

13 REPORT AUTHOR AND CONTACT

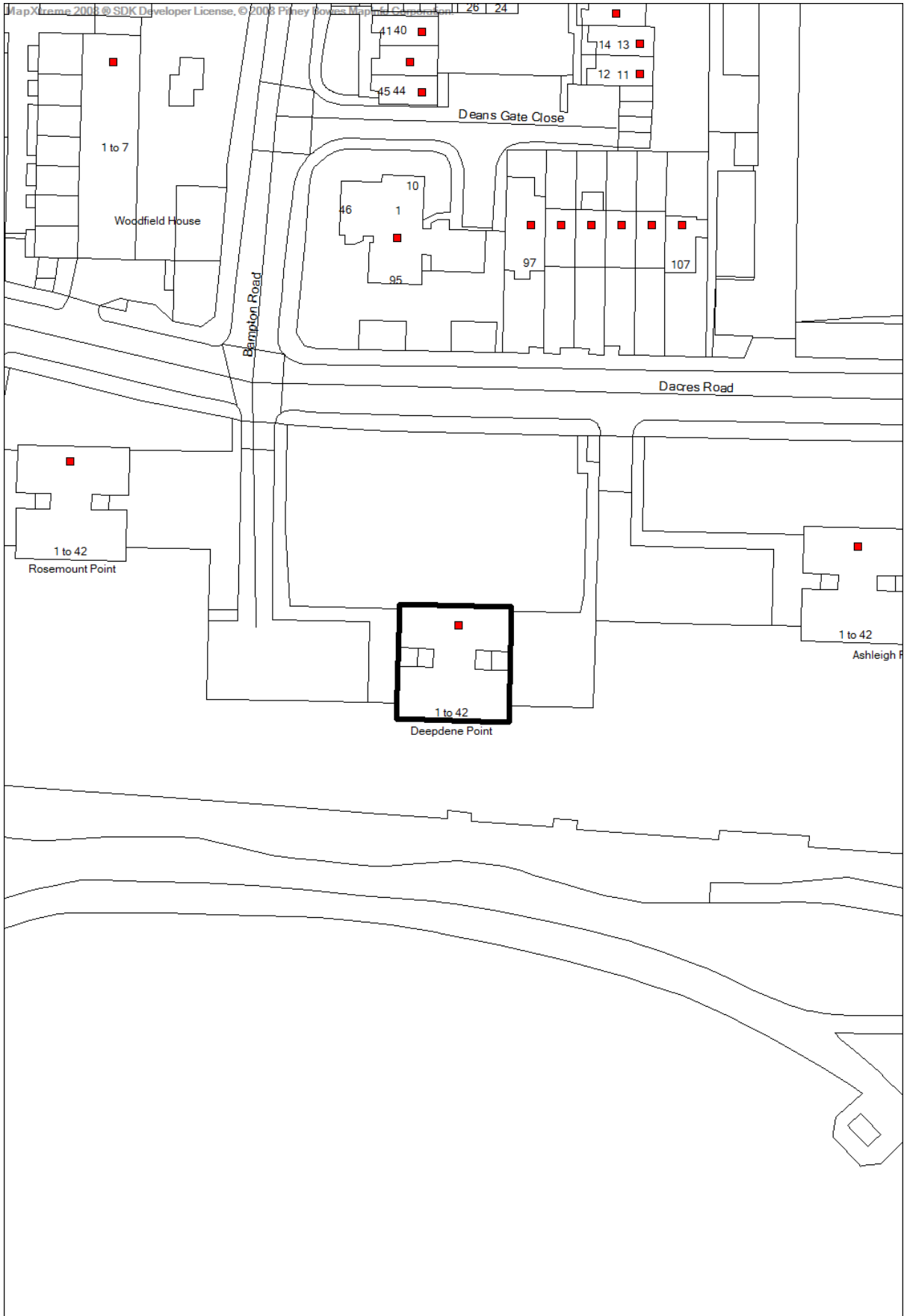
- Zahra Rad (Planning Officer)
- Email: Zahra.Rad@lewisham.gov.uk
- Telephone: 020 831 49153

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Planning Committee A

Report title:

HEATHWOOD POINT, DACRES ROAD, LONDON, SE23 2XJ

Date: 25 May 2023

Key decision: No.

Class: Part 1

Ward(s) affected: Perry Vale

Contributors: Zahra Rad

Outline and recommendations

This report sets out the officer's recommendation of approval for the above proposal subject to conditions and informatives

The report has been brought before the committee for a decision due to the submission of six objections from neighbouring properties

Application details

Application reference number(s): DC/23/130574

Application Date: 28 February 2023

Applicant: Arcus Consulting LLP

Proposal: Refurbishment of external cladding, replacement of windows, doors, balconies, screens and roof finishes at HEATHWOOD POINT, DACRES ROAD, LONDON, SE23 2XJ.

Background Papers: (1) Submitted drawings and documents
(2) Submitted photos
(3) Internal and external consultee responses

Designation: PTAL 1b

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application relates to a purpose-built 11-storey (including ground floor) block of flats, comprising of 42 flats (21 x 2 bed s and 21 x 1 bed flats) known as Heathwood Point located on the south side of Dacres Road.
- 2 The application site is one of a group of five blocks. All five blocks have the same style and are visible from a distance along Dacres Road, Silverdale, Bampton Road, Queenswood Road and Mayow Road.

Character of area

- 3 The area is predominantly residential in character. To the north, west and east are terraced and detached two storey properties.

Heritage/archaeology

- 4 The property is not within a Conservation Area and is not subject to an Article 4 Direction.

Surrounding area

- 5 Forest Hill School and its sport centre is less than 200m of the application site.

Local environment

- 6 Mayow Park and Dacres Wood Nature Reserve are within 200m of the application site.

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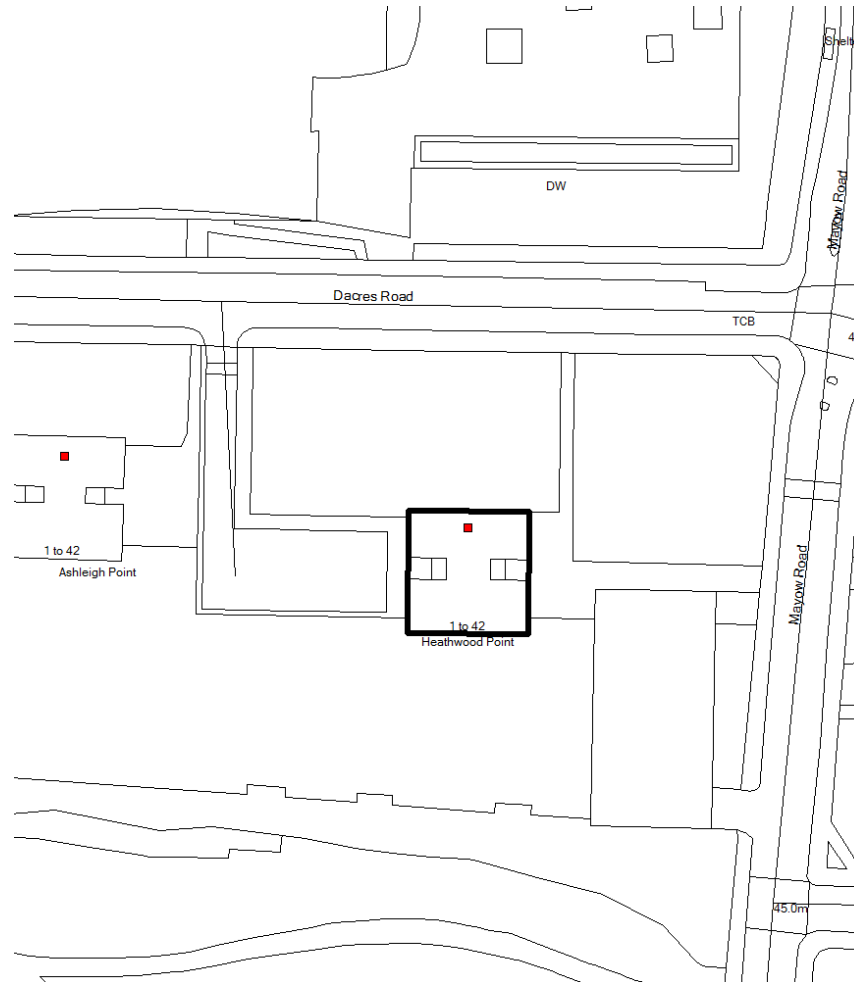
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Transport

- 7 The application site has a PTAL rate of 2. Sydenham station is 0.6 mile away (12 minutes walking) from the site, and several bus stops are within 5 minutes walking distance of the application site serving routes 356,75,122,126, and 197.

Figure 1 Site Location Plan



2 RELEVANT PLANNING HISTORY

- 8 **DC/15/091818** - The installation of safety barriers on the roof of 1-42 Heathwood Point, Dacres Road SE23. Granted 28/07/2015.
- 9 **DC/22/128528** - Refurbishment of existing cladding, replacement of windows, doors, balconies, screens and roof finishes at HEATHWOOD POINT, DACRES ROAD, LONDON, SE23 2XJ. Withdrawn 28/02/2023.
- 10 The following application are related to the other towers in this area, with similar proposal.
- 11 **DC/23/130561** - Refurbishment of external cladding, replacement of windows, doors, balconies, screens and roof finishes at CLAIRVILLE POINT, DACRES ROAD, LONDON, SE23 2PA. Pending

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- 12 **DC/23/130570** - Refurbishment of external cladding, replacement of windows, doors, balconies, screens and roof finishes at ROSEMOUNT POINT, DACRES ROAD, LONDON, SE23 2BW. Pending.
- 13 **DC/23/130571** - Refurbishment of external cladding, replacement of windows, doors, balconies, screens and roof finishes at DEEPDENE POINT, DACRES ROAD, LONDON, SE23 2BN. Pending
- 14 **DC/23/130573** - Refurbishment of external cladding, replacement of windows, doors, balconies, screens and roof finishes at ASHLEIGH POINT, DACRES ROAD, LONDON, SE23 2XL. Pending.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 15 The proposal is to refurbish external cladding, replacement of windows, doors, balconies, screens, and roof finishes.
- 16 The proposals at Heathwood Point comprises of the following details externally:
- new windows, and external vents
 - new entrance doors
 - new external glazed timber screens and doors to the central access core to ensure compliance with current fire safety legislation
 - removal of non-compliant external wall cladding and replacement with new render and brick faced EWI insulation to comply with current fire safety legislation.
 - new roof finishes and insulation
 - removal of non-compliant timber balustrading to balconies and replacement with new painted metal Ashleigh Point to comply with current fire safety legislation
 - upgrading of resident's storage doors at ground floor level to improve and enhance fire safety
 - upgrading of existing foul and surface water drainage provision
 - structural remediation and decoration work to existing: Brickwork and Concrete facing elements
- 17 The proposal also includes the following internal alterations which do not require planning permission: new bathroom installations, including internal insulation to walls; new kitchen installations; upgrading to communal areas through; decorations to wall and floor finishes; replacement doors; any improvements or upgrading required to meet the requirements of current fire safety legislation and/or lighting and electrical systems.

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4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

18 No pre-application was conducted, however discussions with the applicant took place prior to validation, to ensure all the relevant documents are provided and also, the design aspects of the proposal were reviewed before submission.

4.2 APPLICATION PUBLICITY AND CONSULTATION

19 Site notices were displayed on 13/03/2023.

20 47 letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 13/03/2023.

21 Six responses were received, comprising of 6 objections.

4.2.1 Comments in objection

Comment	Para where addressed
Discrepancy within D&A regarding reducing heating costs.	[para 88]
The proposal is contrary with Policy C1.8 of Core Strategy Objective 5 of the Local Implementation Plan 2011-2030	[para 88 and 89]
The wooden balcony should be a part of the EWI works from what has been demonstrated in the drawings, and don't respect the original design.	[para 66]
Potential of amenity impact with change balustrade design, particularly in the lower levels	[para 80]
The quality of uPVC windows and the question on how new windows design will help with ventilation especially in the winter due to how they will open.	[para 57]

4.2.2 Non material planning consideration comments

22 A number of comments are related to the consultation procedure between Lewisham Homes and the occupiers/owners of flats including transparency on cost, selecting contractor procedure, lack of investment in maintenance of Dacres Estate, management of building, installation of charging points, possible long term scaffolding in place, lack of investment in maintenance of Dacres Estate and etc. *Officer's Response:* Officers are satisfied that none of the issues raised including, those related to the consultation procedure, have any material impact on the assessment of the application and it should be noted that the points raised are issues for the freeholder and leaseholders to resolve and are not material planning considerations.

23 Objections were raised regarding the lack of details to determine the improvement and objectives mentioned in D&A, such as u-value of existing double-glazed windows. *Officers' response:* the u-value has been discussed on pages 21,23 and 27 of D&A.

24 Comments raised regarding the commitment by United Living Group (ULG) on not increasing the limitation of restrictions for specific times on deliveries, and parking usage by contractors, no resolution of the complaints raised during construction period.

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Officer's response: these issues (related to construction period) are not within the scope of this proposal and are not considered as material planning consideration, unless specified by a condition with which the contractors must comply.

25 Objections raised the issue of discrepancy in the application form such as incorrectly stating that the Dacres Estate blocks are in private ownership, rather than public ownership, and that the owner is Lewisham Homes rather than LB Lewisham. Officer's Response: Officers are satisfied the application is properly made and no discrepancies exist which would call into question the validity of the application or any subsequent decision.

26 Objections raised regarding the internal alterations: Officer Response; alterations do not require planning permission and are therefore not part of this application and have not been assessed.

4.3 INTERNAL CONSULTATION

27 The following internal consultees were notified on 13/03/2023.

28 Highways: raised no objections subject to conditions.

29 Climate Resilience Management: no response.

30 Building Control: no objections

4.4 EXTERNAL CONSULTATION

31 The following external consultees were notified on 13/03/2023:

32 Fire Brigade: raised no objection, but made recommendations, please see below

5 POLICY CONTEXT

5.1 LEGISLATION

33 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

34 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.

35 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.

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36 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 to the relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the 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

37 The Development Plan comprises:

- London Plan (March 2021) (LP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

38 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

39 London Plan SPG/SPD:

- Energy Assessment Guidance (October 2018)

6 PLANNING CONSIDERATIONS

40 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

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

42 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.

Policy

43 The Development Plan is generally supportive of alterations and extensions to residential buildings. In this case, the aim of the improvements is to improve fire safety and to bring key elements of the building up to compliance with current Building Regulations. The principle of development is supported, subject to details.

6.2 URBAN DESIGN

General Policy

44 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.

45 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed. LPP D12 states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety.

46 LPP D3, CSP 15, DMLP 30, 31 and the provisions of the Alterations and Extensions SPD reflect this and are relevant.

Discussion

6.2.1 Alterations to Cladding

47 The proposed development has been undertaken to facilitate compliance with the government standards and remove combustible materials. The existing elevation material is a combination of reinforced concrete slabs, walls and frame with the slabs projecting and exposed on the exterior.

48 The existing cladding is predominantly brick clad with the exposed party walls on the external façade painted white to delineate apartments.

49 The proposed alteration of the cladding consists of:

- Repair all defective exposed concrete elements, and bricks
- Clean all existing masonry facades as required
- The new insulation system would be the proposed Wetherby external wall insulation system: Epsibrick 7 MW External Wall Insulation System

50 Further alterations to the south Façade:

- The existing non-compliant rainscreen cladding to the South Elevation would be replaced with a combination of render and brick faced render cladding with installation

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of new A1 fire rated EWI with combination of render and brick faced finish. This would help to achieve an overall u-value performance of 0.28 W/m²K in compliance with the requirements of Part L of the building Regulations.

51 The proposed materials would be similar to the existing with improvement to the south elevation, in terms of the finishing and fire safety issues. Lewisham's building control officers have been consulted who raised no objection to the proposed materials in terms of compliance with Building Regulations. In principle the proposed materials palette is considered acceptable.

6.2.2 Replacement of Roof Covering

52 The existing roof is poorly insulated and finished in mineral felt.

53 The proposal is to replace the roof with a new roof insulation and finish. The D&A states that with the replacement the scheme would achieve an overall combined u-value performance of 0.18 W/m²K. The new roof would keep the same design.

54 The replacement of the roof covering would enhance the building as it would be an improvement to the current situation of the building.

6.2.3 Replacement of Windows and Balcony Doors and screens

55 The existing windows are white uPVC. The proposal is to install new white uPVC double glazed in the same place and size of the existing windows and doors, style to match original. New double-glazed windows and screens are proposed to achieve a u-value performance of 0.16 W/m²K. In the D&A statement it is pointed out that installation of the new Rehau 70mm uPVC would achieve the requirements of BS EN12608:2016, Table 1.4 of Approved Document F and Approved Document K. The windows would have sills, and trickle vents, with tilt and turn hinges and restrictors, with locking handles in white. All windows with a sill height below 1000mm will require the installation of a lower-level fixed pane below the opening vent to enable the required sill height for the opening vent.

56 The screen at the lobby and communal space would be replaced with the same style and existing screen. The applicant has not confirmed the material but has suggested it would be Trespa® Meteon® which is a decorative high-pressure compact laminate.

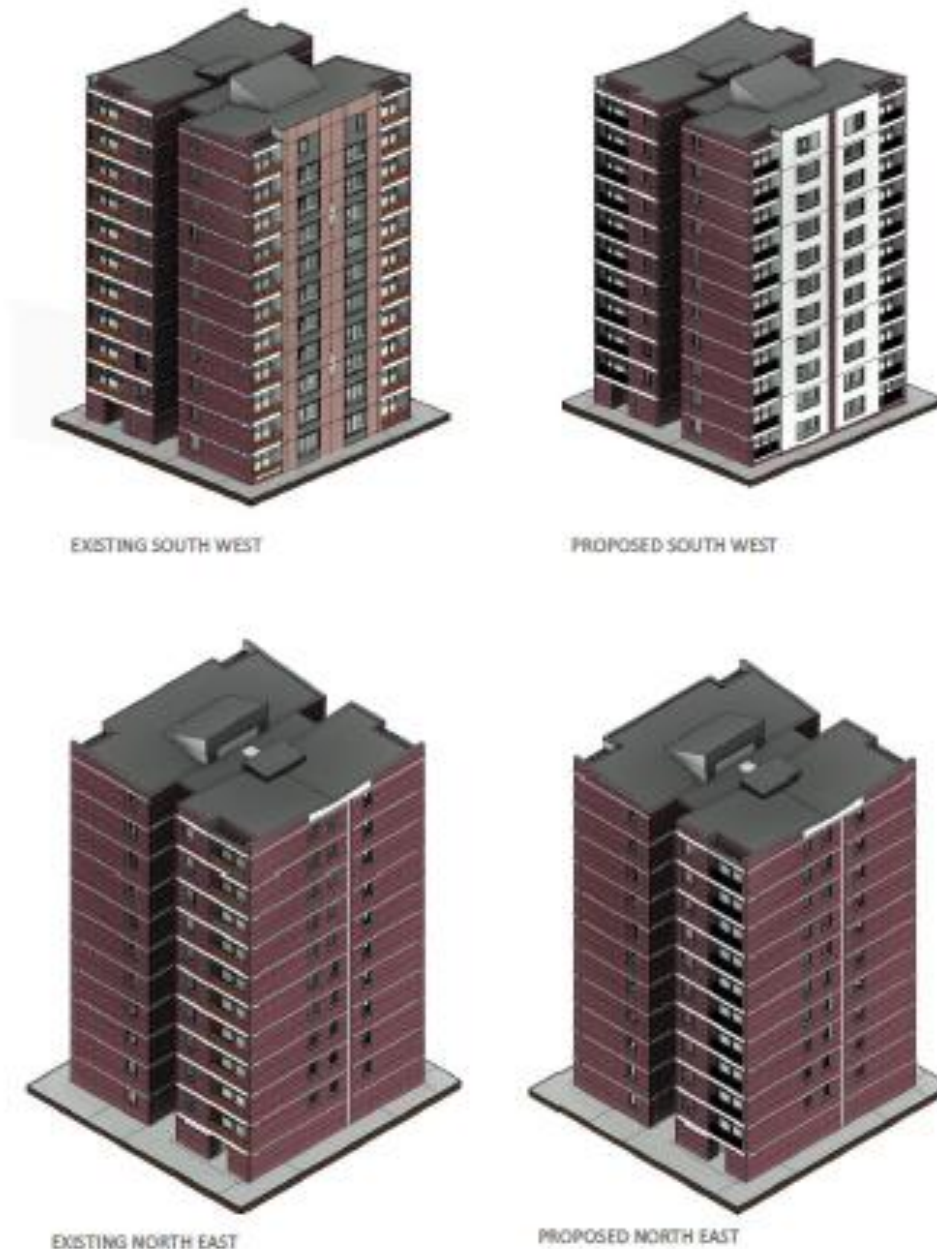
57 The windows and doors would be the same style, material, and colour as the existing. Objections were raised questioning the quality of uPVC windows: the windows proposed are of good quality and would be similar to those use on many residential buildings and are considered unobjectionable. The new double-glazed windows would improve the building's performance in terms of energy efficiency, and sound isolation, and are supported.

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Figure 2 Existing and proposed South West and North East



6.2.4 Replacement of Doors and Screens

- 58 The doors to the communal areas would receive coloured paint finish to match the main ground floor entrance, the colour is not confirmed yet.
- 59 Across the Dacres Estates there have been ongoing issues in relation to the fire safety and security of the doors to resident storage areas. The main existing dual sided access via intercom to ground floor entrance lobby would be replaced with new polyester powder coated aluminium entrances doors to the ground floor. The details of doors such as colour is not provided. A condition will be imposed to ensure high quality materials are used.

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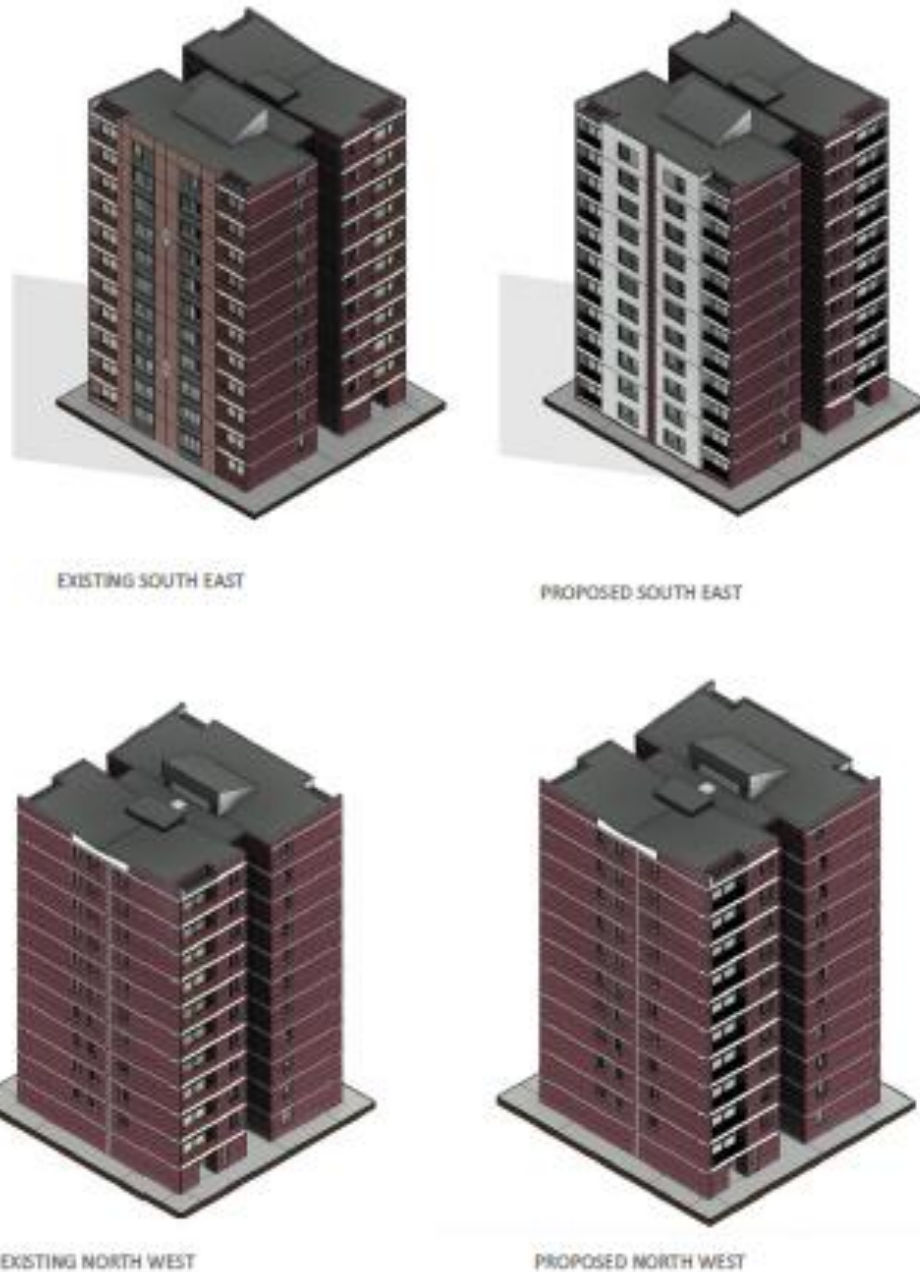
- 60 The doors to the flats would be new Rehau residential uPVC doors finished in white glazing (28mm Sealed Units) and multipoint locking mechanism to achieve the requirements of BS EN12608:2016.
- 61 New external glazed timber screens and doors to the central access core are proposed to ensure compliance with current fire safety legislation, by a minimum u-value of 1.6 W/m²K to achieve the requirements of the building regulations.
- 62 The doors to the storage spaces at ground floor would be replaced with new FD 30 timber doors. The existing plantroom steel doors would be repaired and painted.
- 63 The proposed doors and screen are considered as enhancement to the existing conditions and are supported.

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Figure 3 Existing and Proposed South East and North West



6.2.5 Replacement of balustrades to residents' balconies and communal balconies

- 64 The existing timber balustrade at the balconies would be replaced with polyester powder coated aluminium balustrades to ensure compliance with both Approved Documents Part B and Part K. The colour would be dark grey RAL colour: 7022. At the ground floor the existing masonry upstand would be retained, and the timber balustrade would be replaced with the railing.
- 65 Each flat is provided with a recessed balcony area secured with timber balustrades and enclosed with anti-bird mesh. The balconies would be repaired and upgraded for fire safety.

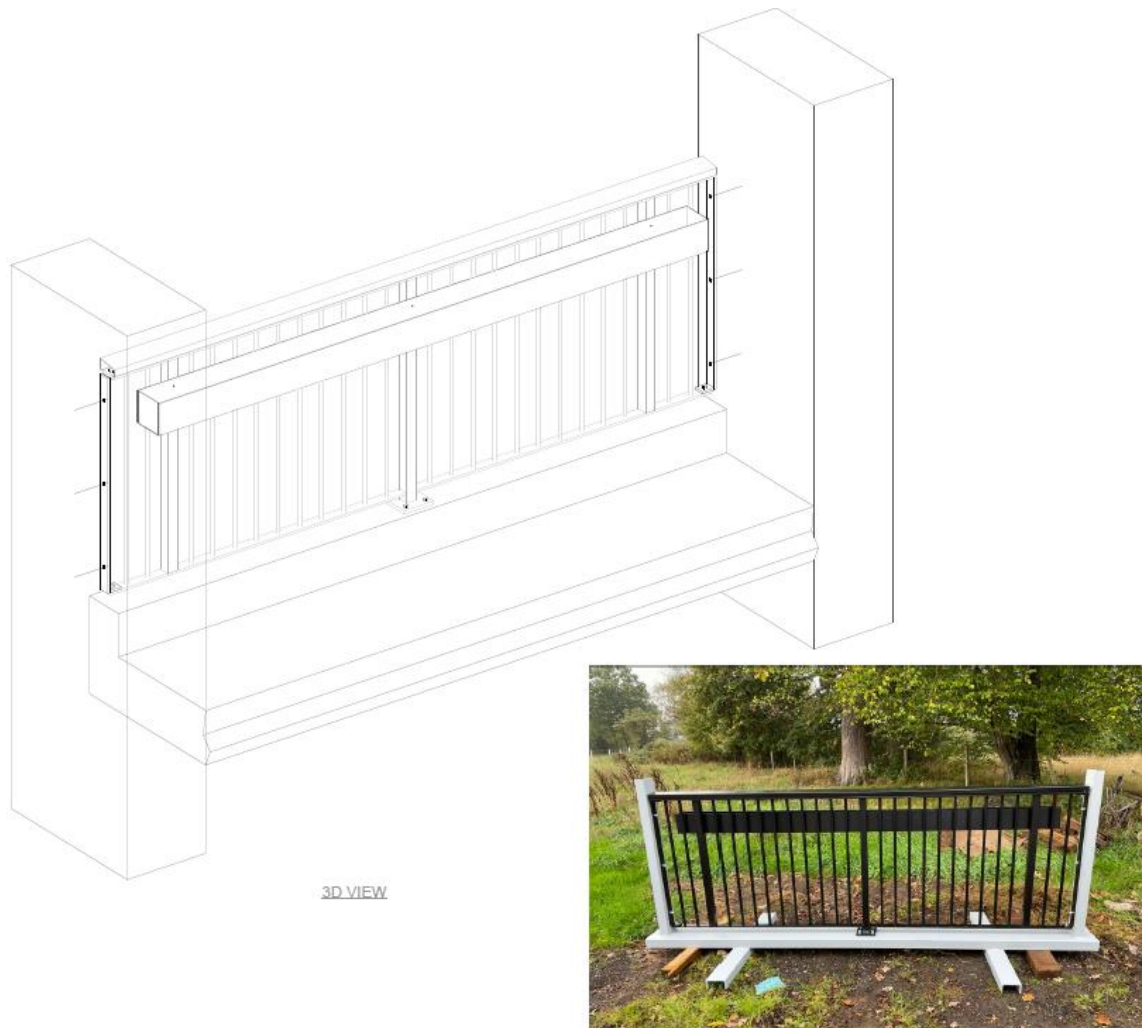
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- 66 Objections were received regarding the change of existing timber balustrades with metal railings. It is noted that timber balustrades at balconies of all of the five towers in this area are considered as an original character of these buildings. The replacement with metal railings is not considered inappropriate nor incongruous as this is a standard residential balcony enclosure. It is notable that due to changes in Building Regulations regarding fire safety, timber balustrades for high rise buildings such as this tower, are no longer supported.
- 67 Officers are of the view that the current timber balustrades are in poor condition, and considering the quality of the proposed materials, they are acceptable.

Figure 4 Proposed Balustrade



6.2.6 Amenity Provision

- 68 Current ground floor landscaping remains as existing.

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6.2.7 Urban Design Conclusion

69 Given above, the works are considered to be acceptable and in keeping with the appearance of the refurbishment of the building.

6.3 TRANSPORT IMPACT

General policy

70 NPPF 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 to an acceptable degree.

71 Para 111 of the NPPF states 'Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or on the residual cumulative impacts on the road network would be severe'

6.3.1 Construction Management Plan

Policy

72 LP Policy T7 states that deliveries, servicing, and construction should be conducted in the safety of residence and the surrounding area.

Discussion

73 No changes or alteration to the current parking arrangement or the access road, or passageway within the proposal. Therefore, the only Transport matter of some relevance to this planning application is the potential for short-term transport disruption from construction works.

74 Accordingly, the applicant has submitted a Construction Logistics Report, which was revised with The LBL Highway team.

75 Highways raise no objection to the proposed Construction Logistics Report. However as, it would be expected that with such extensive refurbishment, the delivery of materials to the sites with construction vehicles accessing the sites on a regular basis would be required, which could impede traffic or pedestrian flow and/or safety. A condition will be imposed to ensure the construction work would be in line with proposed CLMP.

76 Highway Team recommended that the applicant should apply for relevant permits/licences prior commencing the construction work via LBL Highway Team. An informative will be added to advise accordingly.

6.3.2 Transport impact conclusion

77 Officers are satisfied that the proposed development would have an adverse impact on the surrounding highways network, subject to the recommended.

6.4 LIVING CONDITIONS OF NEIGHBOURS

General Policy

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78 CP15, DMP31(c) and the provisions of the Alterations and Extensions SPD are relevant.

Discussion

79 The proposed development is for renovation of the exterior facades of the buildings and therefore any impacts on daylight/sunlight, privacy and outlook for the neighbouring properties would be any different from the existing impact. Noise and disruption from the works phase are likely, given the proximity to other existing residential units.

80 Objections were received regarding the impact of the proposed balustrade on the privacy of neighbours, as railings could create greater potential of overlooking. It is noted that the existing balustrades are horizontal panels with little gaps between them, the details of the replacement railings provided, show they would be vertical with narrow gaps. The railing would be similar to many residential buildings and are considered unobjectionable. In addition, it is noted that there is a minimum of 36m distance between the balconies facing surrounding building to the west and north, far in excess of the 21m used as a guide in the GLAs Housing SPG and the 16m used in Lewisham's Small Sites SPD. The south is Mayow Park. To the east, there is a new residential building of part six-part seven storey block of flats which is 10.3m away from Heathwood Point. It is noted that the amenity impact and outlook of the new block in relation to Heathwood Point had been assessed as not being too adverse as it was approved in the Planning Committee A dated 24th August 2022.

81 Therefore, officers are of the view that there would be no change in terms of impact on privacy due to changing of timber balustrades to metal railing.

6.4.1 Impact on neighbours: conclusion

82 The proposed development is considered acceptable in regard to impact on amenities of neighbouring residential units.

6.5 SUSTAINABLE DEVELOPMENT

General Policy

83 Para 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 of communities and infrastructure to climate change impacts.

84 CS Objective 5 reflects the principles of the NPPF and sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DM Policy 22 support this. Small Sites SPD section 11 and 21 provides guidance on sustainability.

6.5.1 Changes to Drainage

85 There would be no change to the below-ground drainage. It is, however, proposed that the below-ground network be CCTV surveyed to assess its condition and allow any localised repairs, if identified, to be carried out.

86 Any modifications to the drainage system will be in accordance with Building Regulations Part H for the private drainage network, which is not included in this application.

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6.5.2 Energy and carbon emissions reduction

Policy

87 LPP SI2 states that major development should achieve zero carbon and should minimise to peak energy demand in accordance with the following energy hierarchy: Be lean: use less energy; Be clean: supply energy efficiently; and Be green: use renewable energy.

Discussion

88 Objections were submitted asserting that the proposal will not comply with objective 5 of LBL Core Strategy regarding the energy performance. An Outline Energy Statement is provided by the applicant.

89 It is noted that the proposal is for alteration to the external materials, such as windows and doors, which is expected to improve the insulation and would improve the performance of the building in terms of energy efficiency. Therefore, as an existing building, although, the proposal would not fulfil all criteria listed under CS objective 5, Officers are satisfied that there would be an improvement to the energy efficiency elements of the building in line with CSO 5. Officers consider this to be a planning merit of the scheme, helping to contribute towards reducing carbon emissions.

6.5.3 Fire Safety

General Policy

90 LP Policy D12 Fire safety highlighted all development proposals must achieve the highest standards of fire safety. Paragraph 3.12.11 stated that proposals for those refurbishments that requires planning permission, will be subject to London Plan policy to ensure all existing buildings are safe.

Discussion

91 On 1 August 2021 Gateway One was adopted, which introduces new Government planning guidance for fire safety in relation to high rise buildings (18m+). The guidance requires the submission of a Fire Statement in support of planning applications relating to high rise development. The applicant has submitted a Fire statement form. The London Fire Brigade has been consulted and no objections was raised. LFB has required that an undertaking as required by Part B5 of the current Building Regulations Approved Document B should be given by the applicant that access for fire appliances and adequate water supplies for firefighting purposes should be provided. therefore, and informative regarding the above-mentioned Building Regulation will be added.

92 The existing fire access strategy for the site will remain as existing, which permits Fire Tender Access within 18m of the main entrance of each building/fire hydrant and within 40m of all facades. A dry riser is also provided within each building for connection by Fire and Rescue Services.

93 Provided D&A Statement indicates that an inspection of PAS 9980 fire safety test has been undertaken. Consequently, based on the outcome and recommendations of the inspection several alterations, such as change of materials, replacement of cladding to South Elevations and removing the non-compliant rainscreen cladding to achieve a fire safety performance rating of a minimum A2, S1-d0, has been proposed. The Council Building Control has raised no objections.

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Conclusion

94 The application site lies outside of Flood zones 2 and 3 and is therefore at low risk of flooding. The Flood Risk Team raised no objection to the proposal.

6.5.4 Sustainable development conclusion

95 Officers are satisfied that the proposed alteration of materials and related measures will improve the fire safety aspects of the building and it is considered acceptable and a planning merit of the scheme.

7 LOCAL FINANCE CONSIDERATIONS

96 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).

97 The weight to be attached to a local finance consideration remains a matter for the decision maker.

98 In this instance, the proposal is to upgrade the building by alterations and refurbishment. Therefore, CIL is not a material consideration.

8 EQUALITIES CONSIDERATIONS

99 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.

100 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.

101 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.

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- 102 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>
- 103 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
- 104 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>
- 105 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

- 106 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

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- 107 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.
- 108 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.
- 109 This application has the legitimate aim of upgrading the building by alterations and refurbishment of the 11-storey tower with residential uses. The rights potentially engaged by this application, including above convention are considered not to be interfered with by this proposal.

10 CONCLUSION

- 110 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 111 The proposed scheme is supported in principle. Its design and materials would be similar to the existing and overall, Officers are of the view that it is acceptable. The proposal would not have any unacceptable impact on flat occupiers or any neighbouring properties in terms of overlooking, loss of daylight/sunlight, or noise disturbance. The measures include improving the building's thermal efficiency and fire safety, both of which Officers consider to be planning merits attracting significant weight.
- 112 The proposal would not have any adverse impact on the transportation network, subject to the condition related to CLMP.
- 113 In light of the above, the application is recommended for approval, subject to the schedule of conditions set out below.

11 RECOMMENDATION

- 114 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 the expiration of three years beginning with the date on which the permission is granted.

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

2) **APPROVED PLANS**

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

7020-ARC-03-ZZ-DR-A-013001 Rev P2;
7020-ARC-03-ZZ-DR-A-013100 Rev P1;
7020-ARC-03-ZZ-DR-A-013101 Rev P1;
7020-ARC-03-ZZ-DR-A-013501 Rev P1;
7020-ARC-03-ZZ-DR-A-013502 Rev P1;
7020-ARC-03-ZZ-DR-A-013511 Rev P1;
7020-ARC-03-ZZ-DR-A-013512 Rev P1;
7020-ARC-XX-ZZ-DR-A-010551 Rev P3;
PBWPB/01 Rev A;
PBWPB/02 Rev A;
03 - Deepdene Brick Slip System;
03 - Deepdene External Wall Insulation System;
03 - Deepdene Roof Systems (by Langley);
03) Deepdene Windows;
03 - Deepdene Balustrade - Designed and Supplied;
Construction Logistics Construction Logistics Template

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) **Construction Logistics Management Plan**

All construction on site should be in accordance with the submitted Construction Phase SHEQ Management Plan (prepared by United Living).

The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

4) **CONSTRUCTION HOURS**

No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8am to 6pm during school holidays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

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Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to avoid peak school hour and to comply with Paragraph 170 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout, and space standards of the Development Management Local Plan (November 2014).

5) SCHEDULE OF MATERIALS

- a) No development to remove and replace the existing cladding or the external doors shall commence on site until further details have been submitted to and approved in writing by the local planning authority. Such details shall include:
 - i) a detailed schedule and specification of the precise brick slip and the colour of the render to be used; and
 - ii) detailed drawings of external door and surrounding door sets where being replaced
- b) The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) 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) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page
- 3) London Fire Brigade required that these items should be provided on site 1) access for fire appliances as required by Part B5 of the current Building Regulations Approved Document B and 2) adequate water supplies for firefighting purposes. You are also advised to join and adhere to the Considerate Constructors Scheme (ccscheme.org.uk).
- 4) The applicant is advised to apply for all relevant permits and licences prior to commencement the construction work via London Borough of Lewisham Highway Team.

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12 BACKGROUND PAPERS

- Submission Drawings, CGI, and Photos
- Submission Technical Reports and Documents
- Internal and external consultee responses

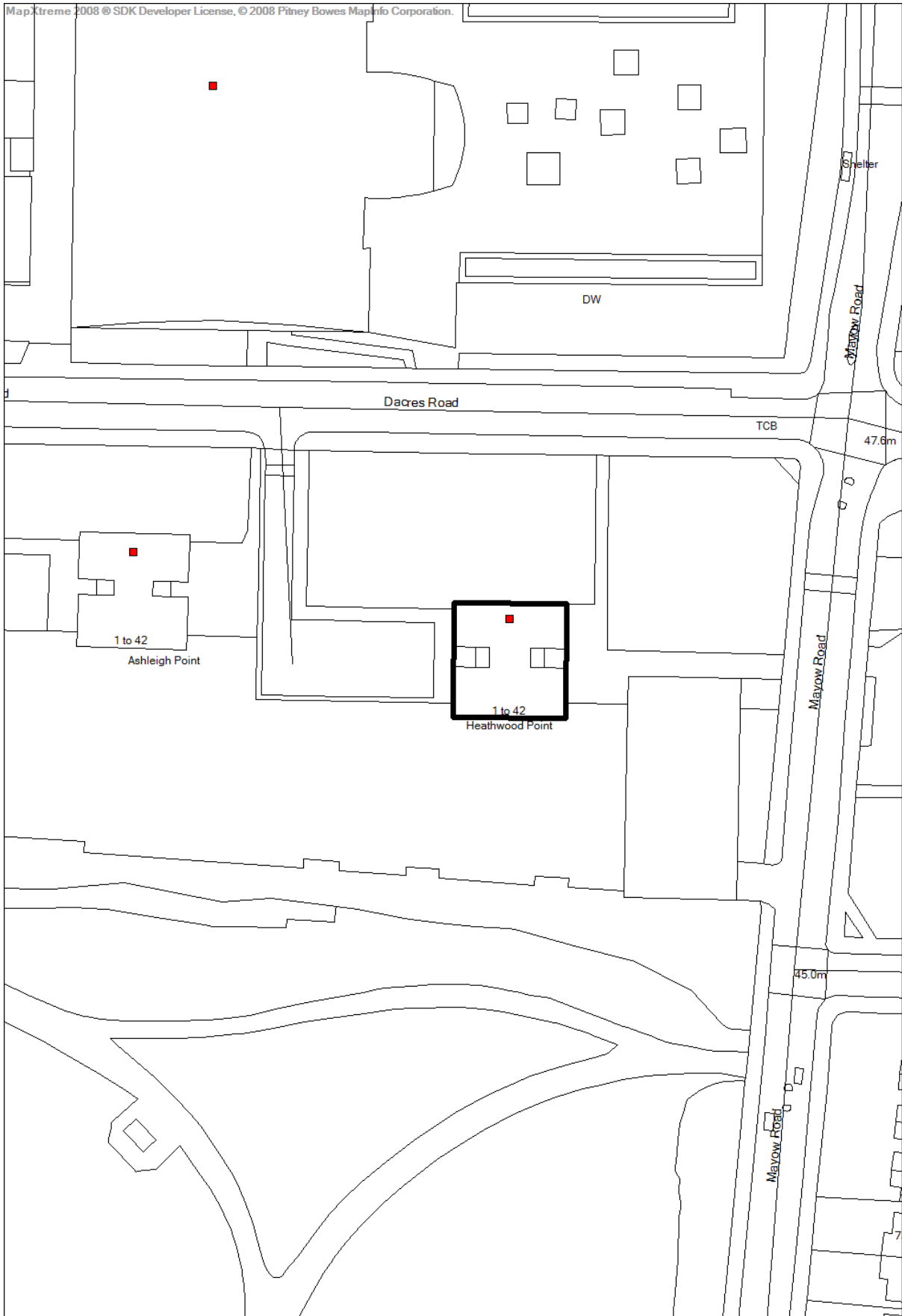
13 REPORT AUTHOR AND CONTACT

- Zahra Rad (Planning Officer)
- Email: Zahra.Rad@lewisham.gov.uk
- Telephone: 020 831 49153

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Planning Committee A

Report title:

ROSEMOUNT POINT, DACRES ROAD, LONDON, SE23 2BW

Date: 25 May 2023

Key decision: No.

Class: Part 1

Ward(s) affected: Perry Vale

Contributors: Zahra Rad

Outline and recommendations

This report sets out the officer's recommendation of approval for the above proposal subject to conditions and informatives

The report has been brought before the committee for a decision due to the submission of four objections from neighbouring properties

Application details

Application reference number(s): DC/23/130570

Application Date: 28 February 2023

Applicant: Arcus Consulting LLP

Proposal: Refurbishment of external cladding, replacement of windows, doors, balconies, screens and roof finishes at ROSEMOUNT POINT, DACRES ROAD, LONDON, SE23 2BW.

Background Papers: (1) Submitted drawings and documents
(2) Submitted photos
(3) Internal and external consultee responses

Designation: PTAL 2

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application relates to a purpose-built 11-storey (including ground floor) block of flats, comprising of 42 flats (21 x 2 bed s and 21 x 1 bed flats) known as Rosemount Point located on the south side of Dacres Road.
- 2 The application site is one of a group of five blocks. All five blocks have the same style and are visible from a distance along Dacres Road, Silverdale, Bampton Road, Queenswood Road and Mayow Road.

Character of area

- 3 The area is predominantly residential in character. To the north, west and east are terraced and detached two storey properties.

Heritage/archaeology

- 4 The property is not within a Conservation Area and is not subject to an Article 4 Direction.

Surrounding area

- 5 Forest Hill School and its sport centre is less than 200m of the application site.

Local environment

- 6 Mayow Park and Dacres Wood Nature Reserve are within 200m of the application site.

Is this report easy to understand?

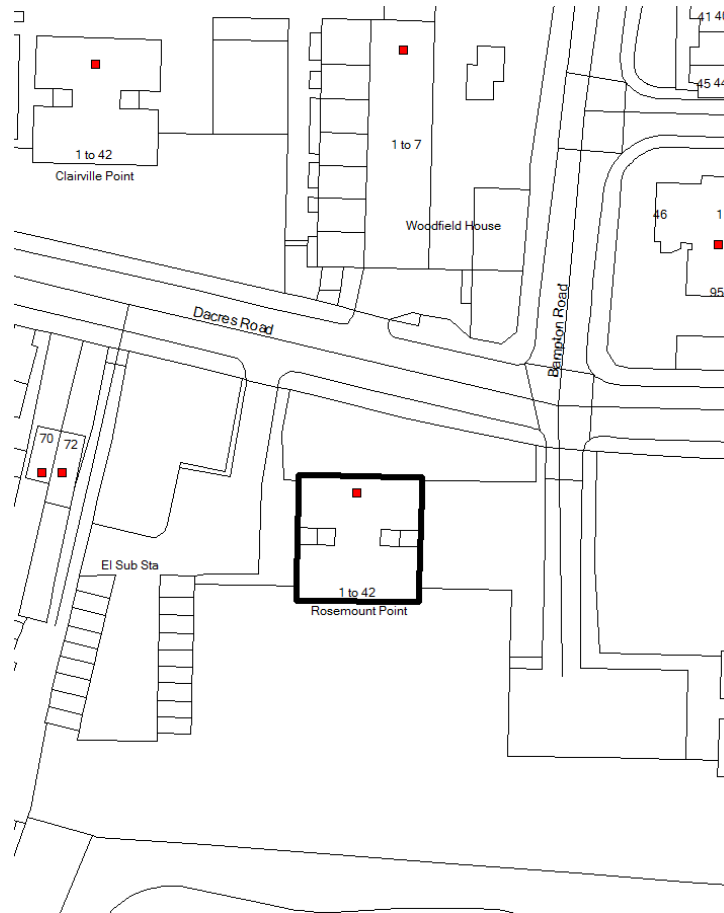
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Transport

- 7 The application site has a PTAL rate of 2. Sydenham station is 0.7 mile away (14 minutes walking) from the site, and several bus stops are within 5 minutes walking distance of the application site serving routes 356, 75, 122, 126, and 197.

Figure 1 Site Location Plan



2 RELEVANT PLANNING HISTORY

- 8 **DC/15/091819** - The installation of safety barriers on the roof of 1-42 Rosemount Point, Dacres Road SE23. Granted 30/07/2015.
- 9 **DC/21/122957** - Prior Approval under Part 11 Class B of Schedule 2 for the demolition of the existing garages at Dacres Road Estate, Dacres Road SE23 under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Approval Not Required 16/09/2021.
- 10 **DC/22/128525** - Refurbishment of external cladding, replacement of windows, doors, balconies, screens and roof finishes at ROSEMOUNT POINT, DACRES ROAD, LONDON, SE23 2BW. Withdrawn 28/02/2022.
- 11 The following application are related to the other towers in this area, with similar proposal.

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- 12 **DC/23/130561** - Refurbishment of external cladding, replacement of windows, doors, balconies, screens and roof finishes at CLAIRVILLE POINT, DACRES ROAD, LONDON, SE23 2PA. Pending
- 13 **DC/23/130571**- Refurbishment of external cladding, replacement of windows, doors, balconies, screens and roof finishes at DEEPDENE POINT, DACRES ROAD, LONDON, SE23 2BN. Pending
- 14 **DC/23/130573** - Refurbishment of external cladding, replacement of windows, doors, balconies, screens and roof finishes at ASHLEIGH POINT, DACRES ROAD, LONDON, SE23 2XL. Pending.
- 15 **DC/23/130574** - Refurbishment of existing cladding, replacement of windows, doors, balconies, screens and roof finishes at HEATHWOOD POINT, DACRES ROAD, LONDON, SE23 2XJ. Pending.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 16 The proposal is to refurbish external cladding, replacement of windows, doors, balconies, screens, and roof finishes.
- 17 The proposals at Rosemount Point comprises of the following details externally:
- new windows, and external vents
 - new entrance doors
 - new external glazed timber screens and doors to the central access core to ensure compliance with current fire safety legislation
 - removal of non-compliant external wall cladding and replacement with new render and brick faced EWI insulation to comply with current fire safety legislation.
 - new roof finishes and insulation
 - removal of non-compliant timber balustrading to balconies and replacement with new painted metal railings to comply with current fire safety legislation
 - upgrading of resident's storage doors at ground floor level to improve and enhance fire safety
 - upgrading of existing foul and surface water drainage provision
 - structural remediation and decoration work to existing: Brickwork and Concrete facing elements
- 18 The proposal also includes the following internal alterations which do not require planning permission: new bathroom installations, including internal insulation to walls; new kitchen installations; upgrading to communal areas through; decorations to wall and

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floor finishes; replacement doors; any improvements or upgrading required to meet the requirements of current fire safety legislation and/or lighting and electrical systems.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

19 No pre-application was conducted, however discussions with the applicant took place prior to validation, to ensure all the relevant documents are provided and also, the design aspects of the proposal were reviewed before submission.

4.2 APPLICATION PUBLICITY AND CONSULTATION

20 Site notices were displayed on 13/05/2023.

21 64 letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 13/03/2023.

22 Twenty-two responses were received, comprising of 4 objections.

4.2.1 Comments in objection

Comment	Para where addressed
Discrepancy within D&A regarding reducing heating costs.	[para 90]
The proposal is contrary with Policy C1.8 of Core Strategy Objective 5 of the Local Implementation Plan 2011-2030	[para 8980 and 90]
The wooden balcony should be a part of the EWI works from what has been demonstrated in the drawings, and don't respect the original design.	Para 67
Potential of amenity impact with change balustrade design, particularly in the lower levels	para 81
The quality of uPVC windows and the question on how new windows design will help with ventilation especially in the winter due to how they will open.	Para 58

4.2.2 Non material planning consideration comments

23 A number of comments are related to the consultation procedure between Lewisham Homes and the occupiers/owners of flats including transparency on cost, selecting contractor procedure, lack of investment in maintenance of Dacres Estate, management of building, installation of charging points, possible long term scaffolding in place, lack of investment in maintenance of Dacres Estate and etc. *Officer's Response:* Officers are satisfied that none of the issues raised, including those related to the consultation procedure, have any material impact on the assessment of the application and it should be noted that the points raised are issues for the freeholder and leaseholders to resolve and are not material planning considerations.

24 Objections were raised regarding the lack of details to determine the improvement and objectives mentioned in D&A, such as u-value of existing double-glazed windows. Officers' response: the u-value has been discussed on pages 21,23 and 27 of D&A.

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- 25 Comments raised regarding the commitment by United Living Group (ULG) on not increasing the limitation of restrictions for specific times on deliveries, and parking usage by contractors, no resolution of the complaints raised during construction period. Officer's response: these issues (related to construction period) are not within the scope of this proposal and are not considered as material planning consideration, unless specified by a condition with which the contractors must comply.
- 26 Objections raised the issue of discrepancy in the application form such as incorrectly stating that the Dacres Estate blocks are in private ownership, rather than public ownership, and that the owner is Lewisham Homes rather than LB Lewisham. Officer's Response: Officers are satisfied the application is properly made and no discrepancies exist which would call into question the validity of the application or any subsequent decision.
- 27 Objections raised regarding the internal alterations: Officer Response; alterations do not require planning permission and are therefore not part of this application and have not been assessed.

4.3 INTERNAL CONSULTATION

- 28 The following internal consultees were notified on 13/03/2023.
- 29 Highways: raised no objections subject to conditions.
- 30 Climate Resilience Management: no response.
- 31 Building Control: no objections

4.4 EXTERNAL CONSULTATION

- 32 The following External Consultees were notified on 13/03/2023:
- 33 Fire Brigade: raised no objection, but made recommendations, please see below.

5 POLICY CONTEXT

5.1 LEGISLATION

- 34 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

- 35 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.

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36 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.

37 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 to the relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the 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

38 The Development Plan comprises:

- London Plan (March 2021) (LP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

39 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

40 London Plan SPG/SPD:

- Energy Assessment Guidance (October 2018)

6 PLANNING CONSIDERATIONS

41 The main issues are:

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

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6.1 PRINCIPLE OF DEVELOPMENT

General policy

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

43 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.

Policy

44 The Development Plan is generally supportive of alterations and extensions to residential buildings. In this case, the aim of the improvements is to improve fire safety and to bring key elements of the building up to compliance with current Building Regulations. The principle of development is supported, subject to details.

6.2 URBAN DESIGN

General Policy

45 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.

46 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed. LPP D12 states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety.

47 LPP D3, CSP 15, DMLP 30, 31 and the provisions of the Alterations and Extensions SPD reflect this and are relevant.

Discussion

6.2.1 Alterations to Cladding

48 The proposed development has been undertaken to facilitate compliance with the government standards and remove combustible materials. The existing elevation material is a combination of reinforced concrete slabs, walls and frame with the slabs projecting and exposed on the exterior.

49 The existing cladding is predominantly brick clad with the exposed party walls on the external façade painted white to delineate apartments.

50 The proposed alteration of the cladding consists of:

- Repair all defective exposed concrete elements, and bricks
- Clean all existing masonry facades as required
- The new insulation system would be the proposed Wetherby external wall insulation system: Epsibrick 7 MW External Wall Insulation System

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51 Further alterations to the south Façade:

- The existing non-compliant rainscreen cladding to the South Elevation would be replaced with a combination of render and brick faced render cladding with installation of new A1 fire rated EWI with combination of render and brick faced finish. This would help to achieve an overall u-value performance of 0.28 W/m²K in compliance with the requirements of Part L of the building Regulations.

52 The proposed materials would be similar to the existing with improvement to the south elevation, in terms of the finishing and fire safety issues. Lewisham's building control officers have been consulted who raised no objection to the proposed materials in terms of compliance with Building Regulations. In principle the proposed materials palette is considered acceptable.

6.2.2 Replacement of Roof Covering

53 The existing roof is poorly insulated and finished in mineral felt.

54 The proposal is to replace the roof with a new roof insulation and finish. The D&A states that with the replacement the scheme would achieve an overall combined u-value performance of 0.18 W/m²K.

55 The replacement of the roof covering would enhance the building as it would be an improvement to the current situation of the building. The new roof would keep the same design.

6.2.3 Replacement of Windows and Balcony Doors and screens

56 The existing windows are white uPVC. The proposal is to install new white uPVC double glazed in the same place and size of the existing windows and doors, style to match original. New double-glazed windows and screens are proposed to achieve a u-value performance of 0.16 W/m²K. In the D&A statement it is pointed out that installation of the new Rehau 70mm uPVC would achieve the requirements of BS EN12608:2016, Table 1.4 of Approved Document F and Approved Document K. The windows would have sills, and trickle vents, with tilt and turn hinges and restrictors, with locking handles in white. All windows with a sill height below 1000mm will require the installation of a lower-level fixed pane below the opening vent to enable the required sill height for the opening vent.

57 The screen at the lobby and communal space would be replaced with the same style and existing screen. The applicant has not confirmed the material but has suggested it would be Trespa® Meteon® which is a decorative high-pressure compact laminate.

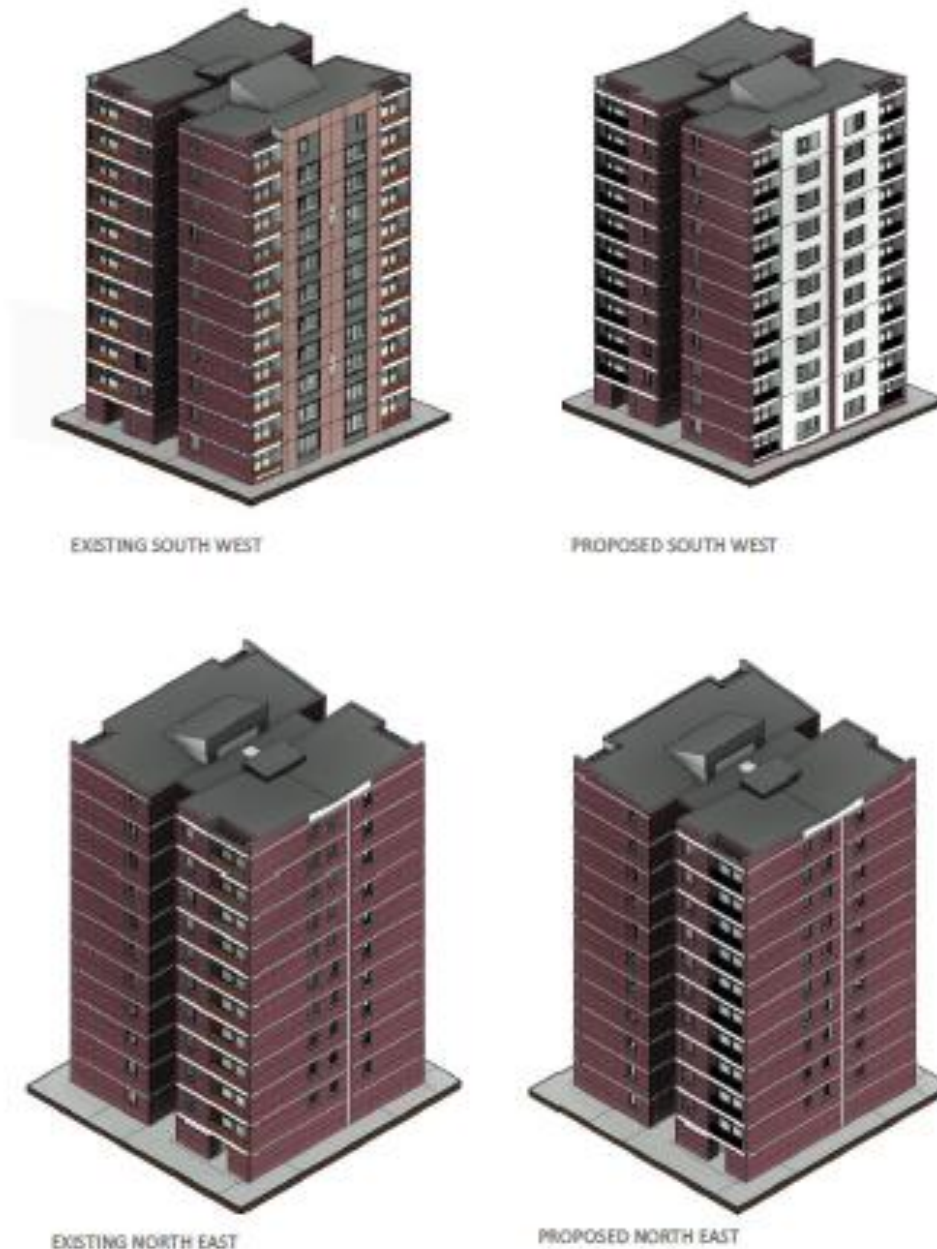
58 The windows and doors would be the same style, material, and colour as the existing. Objections were raised questioning the quality of uPVC windows: the windows proposed are of good quality and would be similar to those used on many residential buildings and are considered unobjectionable. The new double-glazed windows would improve the building's performance in terms of energy efficiency, and sound isolation, and are supported.

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Figure 2 Existing and proposed South West and North East



6.2.4 Replacement of Doors and Screens

- 59 The doors to the communal areas would receive coloured paint finish to match the main ground floor entrance, the colour is not confirmed yet.
- 60 Across the Dacres Estates there have been ongoing issues in relation to the fire safety and security of the doors to resident storage areas. The main existing dual sided access via intercom to ground floor entrance lobby would be replaced with new polyester powder coated aluminium entrances doors to the ground floor. The details of doors such as colour is not provided. A condition will be imposed to ensure high quality materials are used.

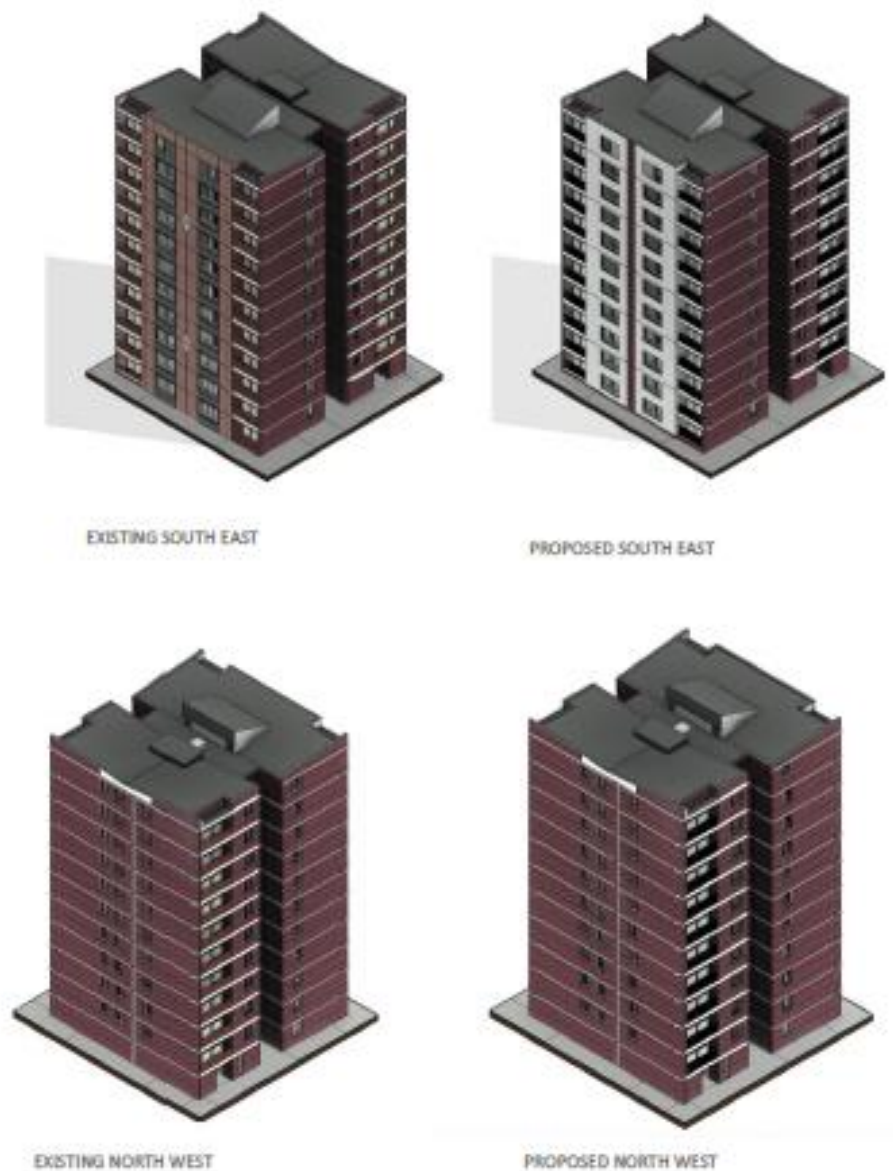
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- 61 The doors to the flats would be new Rehau residential uPVC doors finished in white glazing (28mm Sealed Units) and multipoint locking mechanism to achieve the requirements of BS EN12608:2016.
- 62 New external glazed timber screens and doors to the central access core are proposed to ensure compliance with current fire safety legislation, by a minimum u-value of 1.6 W/m²K to achieve the requirements of the building regulations.
- 63 The doors to the storage spaces at ground floor would be replaced with new FD 30 timber doors. The existing plantroom steel doors would be repaired and painted.
- 64 The proposed doors and screen are considered as enhancement to the existing conditions and are supported.

Figure 3 Existing and Proposed South East and North West



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6.2.5 Replacement of balustrades to residents' balconies and communal balconies

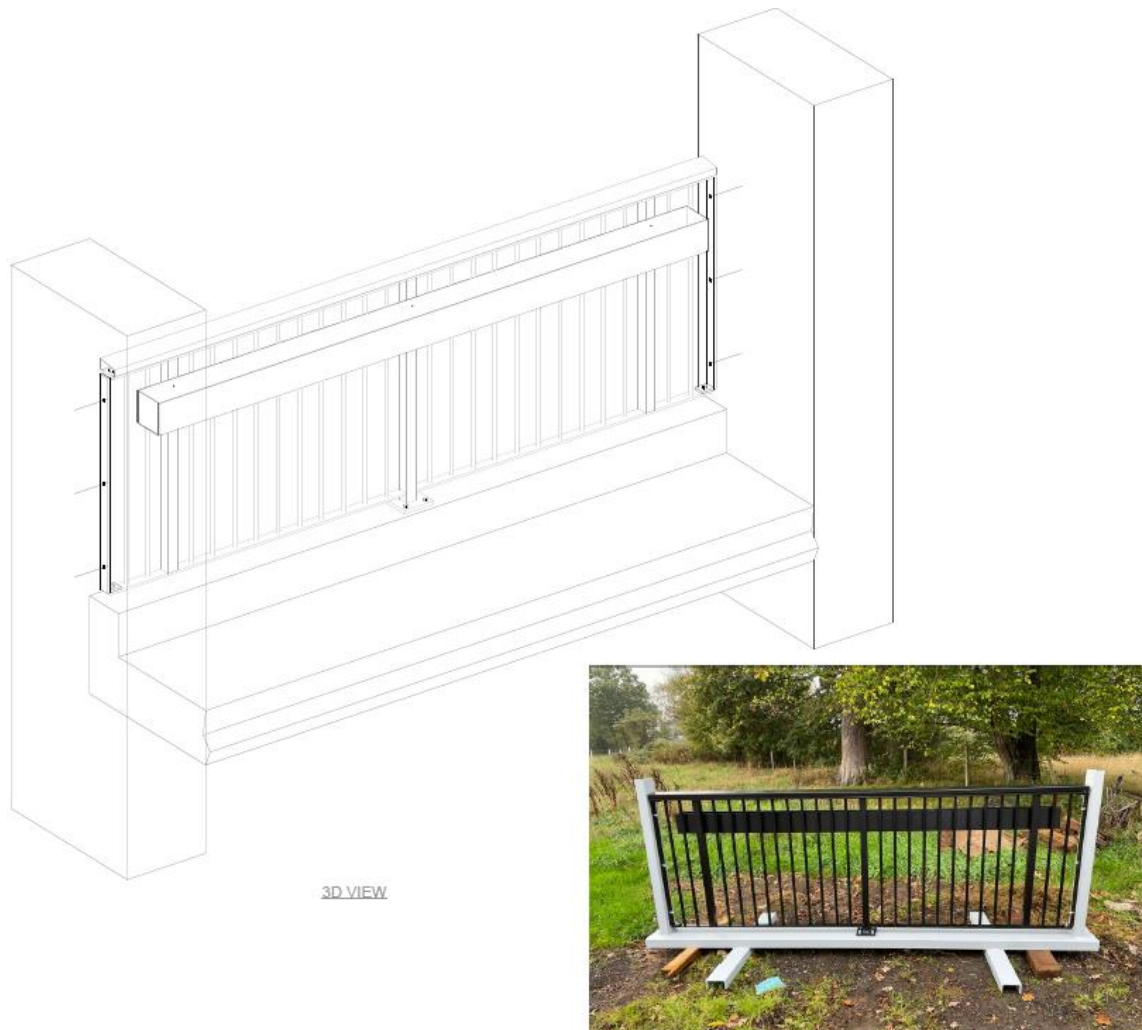
- 65 The existing timber balustrade at the balconies would be replaced with polyester powder coated aluminium balustrade to ensure compliance with both Approved Documents Part B and Part K. The colour would be dark grey RAL colour: 7022. At the ground floor, the existing masonry upstand would be retained, and the timber balustrade would be replaced with the railing.
- 66 Each flat is provided with a recessed balcony area secured with timber balustrades and enclosed with anti-bird mesh. The balconies would be repaired and upgraded for fire safety.
- 67 Objections were received regarding the change of existing timber balustrades with metal railings. It is noted that timber balustrade at balconies of all of the five towers in this area are considered as an original character of these buildings. The replacement with metal railings is not considered inappropriate nor incongruous as this is a standard residential balcony enclosure. It is notable that, due to changes in the Building Regulations regarding fire safety, timber balustrades for high rise buildings such as this tower, are no longer supported.
- 68 Officers are of the view that the current timber balustrades are in poor condition, and considering the quality of the proposed materials, they are acceptable.

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Figure 4 Proposed Balustrade



6.2.6 Amenity Provision

69 Current ground floor landscaping remains as existing.

6.2.7 Urban Design Conclusion

70 Given above, the works are considered to be acceptable and in keeping with the appearance of the refurbishment of the building.

6.3 TRANSPORT IMPACT

General policy

71 NPPF 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 to an acceptable degree.

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72 Para 111 of the NPPF states 'Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or on the residual cumulative impacts on the road network would be severe'

6.3.1 Construction Management Plan

Policy

73 LP Policy T7 states that deliveries, servicing, and construction should be conducted in the safety of residence and the surrounding area.

Discussion

74 No changes or alteration to the current parking arrangement or the access road, or passageway within the proposal. Therefore, the only Transport matter of some relevance to this planning application is the potential for short-term transport disruption from construction works.

75 Accordingly, the applicant has submitted a Construction Logistics Report, which was revised with The LBL Highway team.

76 Highways raise no objection to the proposed Construction Logistics Report. However as, it would be expected that with such extensive refurbishment, the delivery of materials to the sites with construction vehicles accessing the sites on a regular basis would be required, which could impede traffic or pedestrian flow and/or safety. A condition will be imposed to ensure the construction work would be in line with proposed CLMP.

77 Highway Team recommended that the applicant should apply for relevant permits/licences prior commencing the construction work via LBL Highway Team. An informative will be added to advise accordingly.

6.3.2 Transport impact conclusion

78 Officers are satisfied that the proposed development would not have an adverse impact on the surrounding highways network, subject to the recommended conditions.

6.4 LIVING CONDITIONS OF NEIGHBOURS

General Policy

79 CP15, DMP31(c) and the provisions of the Alterations and Extensions SPD are relevant.

Discussion

80 The proposed development is for renovation of the exterior facades of the buildings and therefore any impacts on daylight/sunlight, privacy and outlook for the neighbouring properties would be negligible. Noise and disruption from the works phase are likely, given the proximity to other existing residential units.

81 Objections were received regarding the impact of the proposed balustrade on the privacy of neighbours, as railings would create greater potential of overlooking. It is noted that the existing balustrades are horizontal panels with little gaps between them, the details of railing provided, would be vertical with narrow gaps. The railing would be similar to many residential buildings and are considered unobjectionable. In addition, it is

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noted that there is sufficient distance between the balconies facing surrounding building for a minimum of 32m distance, far in excess of the 21m used as a guide in the GLAs Housing SPG and the 16m used in Lewisham's Small Sites SPD.

82 Therefore, officers are of the view that there would be no change in terms of impact on privacy due to changing of timber balustrades to metallic railing.

6.4.1 Impact on neighbours: conclusion

83 The proposed development is considered acceptable in regard to impact on amenities of neighbouring residential units.

6.5 SUSTAINABLE DEVELOPMENT

General Policy

84 Para 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 of communities and infrastructure to climate change impacts.

85 CS Objective 5 reflects the principles of the NPPF and sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DM Policy 22 support this. Small Sites SPD section 11 and 21 provides guidance on sustainability.

6.5.1 Changes to Drainage

86 There would be no change to the below-ground drainage. It is, however, proposed that the below-ground network be CCTV surveyed to assess its condition and allow any localised repairs, if identified, to be carried out.

87 Any modifications to the drainage system will be in accordance with Building Regulations Part H for the private drainage network, which is not included in this application

6.5.2 Energy and carbon emissions reduction

Policy

88 LPP SI2 states that major development should achieve zero carbon and should minimise to peak energy demand in accordance with the following energy hierarchy: Be lean: use less energy; Be clean: supply energy efficiently; and Be green: use renewable energy.

Discussion

89 Objections were submitted asserting that the proposal will not comply with objective 5 of LBL Core Strategy regarding the energy performance. An Outline Energy Statement is provided by the applicant.

90 It is noted that the proposal is for alteration to the external materials, such as windows and doors, which is expected to improve the insulation and would improve the performance of the building in terms of energy efficiency. Therefore, as an existing building, although, the proposal would not fulfil all criteria listed under CS objective 5,

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Officers are satisfied that there would be an improvement to the energy efficiency elements of the building in line with CSO 5. Officers consider this to be a planning merit of the scheme, helping to contribute towards reducing carbon emissions.

6.5.3 Sustainable Infrastructure conclusion

91 The application site lies outside of Flood zones 2 and 3 and is therefore at low risk of flooding. The Flood Risk Team raised no objection to the proposal.

6.6 Fire Safety

General Policy

92 LP Policy D12 Fire safety highlighted all development proposals must achieve the highest standards of fire safety. Paragraph 3.12.11 stated that proposals for those refurbishments that requires planning permission, will be subject to London Plan policy to ensure all existing buildings are safe.

Discussion

93 On 1 August 2021 Gateway One was adopted, which introduces new Government planning guidance for fire safety in relation to high rise buildings (18m+). The guidance requires the submission of a Fire Statement in support of planning applications relating to high rise development. The applicant has submitted a Fire statement form. The London Fire Brigade has been consulted and no objections was raised. LFB has required that an undertaking as required by Part B5 of the current Building Regulations Approved Document B should be given by the applicant that access for fire appliances and adequate water supplies for firefighting purposes should be provided. therefore, and informative regarding the above-mentioned Building Regulation will be added.

94 The existing fire access strategy for the site will remain as existing, which permits Fire Tender Access within 18m of the main entrance of each building/fire hydrant and within 40m of all facades. A dry riser is also provided within each building for connection by Fire and Rescue Services.

95 Provided D&A Statement indicates that an inspection of PAS 9980 fire safety test has been undertaken. Consequently, based on the outcome and recommendations of the inspection several alterations, such as change of materials, replacement of cladding to South Elevations and removing the non-compliant rainscreen cladding to achieve a fire safety performance rating of a minimum A2, S1-d0, has been proposed. The Council Building Control has raised no objections.

Conclusion

96 Officers are satisfied that the proposed alteration of materials and related measures will improve the fire safety aspects of the building and it is considered acceptable and a planning merit of the scheme.

7 LOCAL FINANCE CONSIDERATIONS

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

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- 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).

98 The weight to be attached to a local finance consideration remains a matter for the decision maker.

99 In this instance, the proposal is to upgrade the building by alterations and refurbishment. Therefore, CIL is not a material consideration.

8 EQUALITIES CONSIDERATIONS

100 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.

101 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.

102 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.

103 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>

104 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

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- Equality objectives and the equality duty
- Equality information and the equality duty

105 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>

106 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

107 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

108 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.

109 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.

110 This application has the legitimate aim of upgrade building by alterations and refurbishment of the 11-storey tower with residential uses. The rights potentially engaged by this application, including above convention are considered not to be interfered with by this proposal.

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10 CONCLUSION

- 111 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 112 The proposed scheme is supported in principle. Its design and materials would be similar to the existing and overall, Officers are of the view that it is acceptable. The proposal would not have any unacceptable impact on flat occupiers or any neighbouring properties in terms of overlooking, loss of daylight/sunlight, or noise disturbance. The measures include improving the building's thermal efficiency and fire safety, both of which Officers consider to be planning merits attracting significant weight.
- 113 The proposal would not have any adverse impact on the transportation network, subject to the condition related to CLMP.
- 114 In light of the above, the application is recommended for approval, subject to the schedule of conditions set out below.

11 RECOMMENDATION

- 115 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 the expiration of three years beginning with the date on which the permission is granted.

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

2) **APPROVED PLANS**

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

7020-ARC-02-ZZ-DR-A-012001 Rev P2;
7020-ARC-02-ZZ-DR-A-012100 Rev P1;
7020-ARC-02-ZZ-DR-A-012101 Rev P1;
7020-ARC-02-ZZ-DR-A-012501 Rev P1;
7020-ARC-02-ZZ-DR-A-012502 Rev P1;
7020-ARC-02-ZZ-DR-A-012511 Rev P1;
7020-ARC-02-ZZ-DR-A-012512 Rev P1;
7020-ARC-XX-ZZ-DR-A-010551 Rev P3;
PBWPB/01 Rev A; PBWPB/02 Rev A;
02 - Rosemount Balustrade;
02 - Rosemount Brick Slip System;
02 - Rosemount External Wall Insulation System;
02 - Rosemount Roof Systems (by Langley);
02 - Rosemount Windows;

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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) **Construction Logistics Management Plan**

All construction on site should be in accordance with the submitted Construction Phase SHEQ Management Plan (prepared by United Living).

The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

4) **CONSTRUCTION HOURS**

No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8am to 6pm during school holidays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to avoid peak school hour and to comply with Paragraph 170 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout, and space standards of the Development Management Local Plan (November 2014).

5) **SCHEDULE OF MATERIALS**

- a) No development to remove and replace the existing cladding or the external doors shall commence on site until further details have been submitted to and approved in writing by the local planning authority. Such details shall include:
 - i) a detailed schedule and specification of the precise brick slip and the colour of the render to be used; and
 - ii) detailed drawings of external door and surrounding door sets where being replaced

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- b) The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) 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) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page. You are also advised to join and adhere to the Considerate Constructors Scheme (ccscheme.org.uk).
- 3) London Fire Brigade required that these items should be provided on site 1) access for fire appliances as required by Part B5 of the current Building Regulations Approved Document B and 2) adequate water supplies for firefighting purposes.
- 4) The applicant is advised to apply for all relevant permits and licences prior to commencement the construction work via London Borough of Lewisham Highway Team

12 BACKGROUND PAPERS

- Submission Drawings, CGI, and Photos
- Submission Technical Reports and Documents
- Internal and external consultee responses

13 REPORT AUTHOR AND CONTACT

- Zahra Rad (Planning Officer)
- Email: Zahra.Rad@lewisham.gov.uk
- Telephone: 020 831 49153

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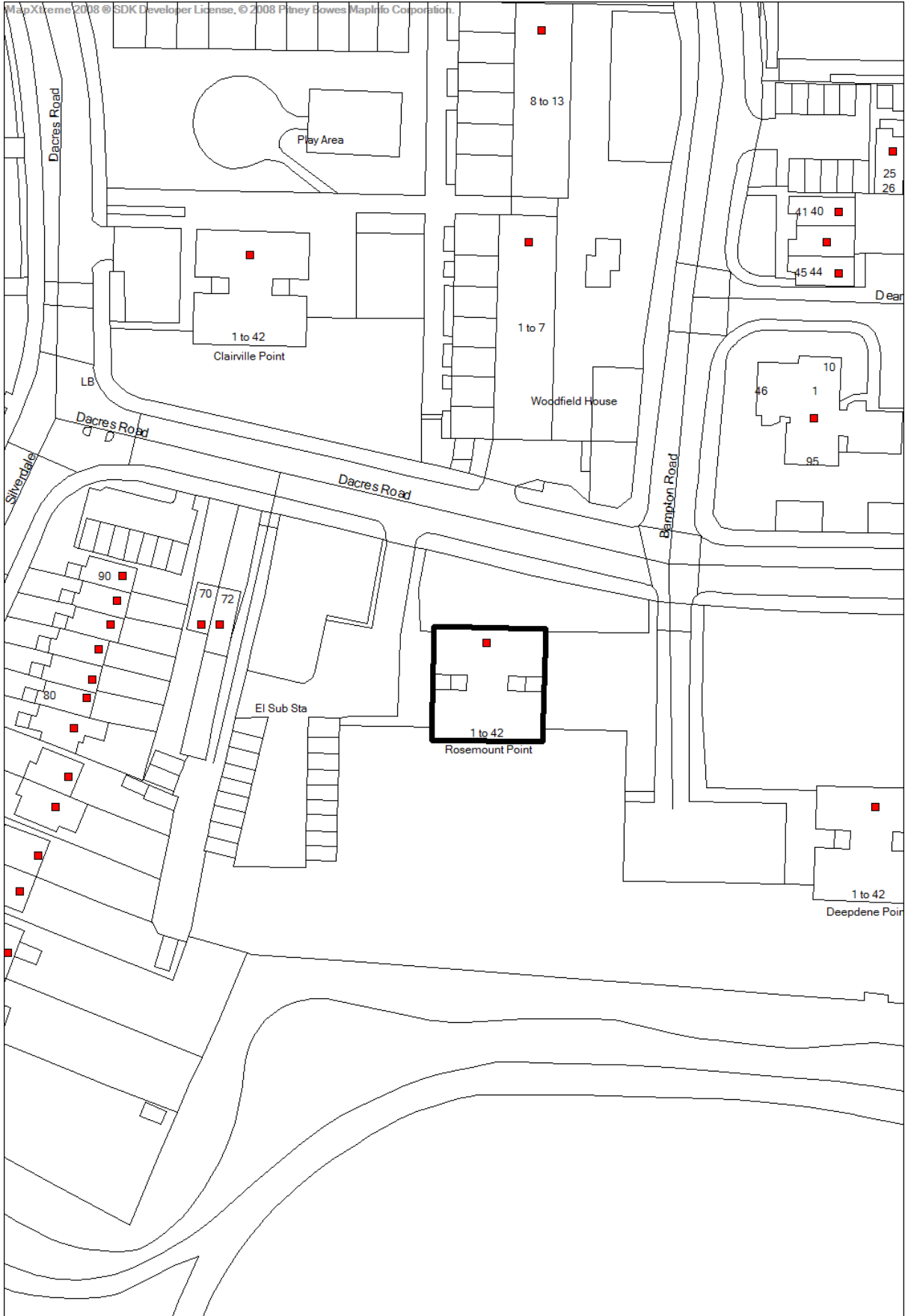
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