

PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 29 JUNE 2023 TIME 7.00 PM**

PLACE: **CIVIC SUITE, LEWISHAM TOWN HALL,
CATFORD, SE6 4RU**

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**Jack Lavery (Chair)
Billy Harding (Vice-Chair)
Liz Johnston-Franklin
Aliya Sheikh
Hilary Moore
John Muldoon
Oana Olaru
John Paschoud**

The public are welcome to attend our committee meetings, however, occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.



**Jeremy Chambers
Monitoring Officer
Lewisham Town Hall
London SE6 4RU
Date: 21 June 2023**

**For further information please contact:
Hajera.khan@lewisham.gov.uk
Committee Officer
2nd Floor Civic Suite
Catford Road SE6 4RU**

**Telephone No: 020 8314 8382
Email: Committee@lewisham.gov.uk**



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Planning Committee B

Declarations of Interest

Date: 29 June 2023

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Chief Executive

Outline and recommendations

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

1. Summary

1.1. Members must declare any personal interest they have in any item on the agenda. There are three types of personal interest referred to in the Council's Member Code of Conduct:

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests.

1.2. Further information on these is provided in the body of this report.

2. Recommendation

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

3. Disclosable pecuniary interests

3.1 These 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.

4. Other registerable interests

4.1 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.

5. Non registerable interests

- 5.1. 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).

6. Declaration and impact of interest on members' participation

- 6.1. 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 not 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**
- 6.2. 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 6.3 below applies.
- 6.3. 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.
- 6.4. 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.
- 6.5. 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.

7. Sensitive information

- 7.1. 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.

8. Exempt categories

- 8.1. 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).



Planning Committee B

Minutes

Date: 29 June 2023

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Monitoring Officer / Senior Committee Manager

Outline and recommendations

Members are asked to consider minutes of the meeting of the Planning Committee B Meeting held on 29 March 2023 and 31 January 2023

1. Recommendation

It is recommended that minutes of those parts of meetings of the Planning Committee B which were opened to the press and public on 29 March 2023 and 31 January 2023 be confirmed and signed.

**Monitoring Officer
Lawrence House
Catford SE6 4RU**

21 June 2023

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MINUTES OF THE PLANNING COMMITTEE B

Tuesday, 31 January 2023 at 7.00 pm

PRESENT: Councillors Liz Johnston-Franklin, Jack Lavery (Chair), Sian Eiles, Billy Harding (Vice-Chair), Aliya Sheikh, Carol Webley-Brown and Suzannah Clarke

ALSO PRESENT:

Apologies for absence were received from Councillor Will Cooper, Councillor Rachel Onikosi and Councillor Luke Sorba

1. Minutes

The Minutes of the meeting on 10 November 2022 were agreed as an accurate record.

2. Declarations of Interests

There were no interests to declare. Members of the Committee who are Ward Members for wards referred to in the items, stated that they were lobbied by residents in regards to individual items.

3. GREEN BANK COTTAGE, TAYMOUNT RISE, SE23 3UL (DC/22/127431)

3.1. The application proposed for the Demolition of the 2 existing dwellings and the construction of a 4-storey building with roof terrace above to provide 16 self-contained flats at (Greenbank Cottage and Taymount Lodge) Taymount Rise SE23, together with the provision of accessible parking spaces, cycle and bin storage and associated amenity space, play area and landscaping. The application received 119 objections.

3.2. The Planning Officer gave an illustrative presentation on the application. The key considerations were: Principle of Development; Housing; Urban Design; Impact on Adjoining Properties; Transport; Sustainable Development; Natural Environment; Planning Obligations. All of the considerations were deemed acceptable and supported by officers. It was the officer recommendation to approve the application.

3.3. Members asked private external amenity space such as balconies. It was responded that 6 of the units do not have balconies which prevents noise and overlooking. The balconies were removed to provide better relationship with unit adjacent to the site. The Planning Officer said that a communal amenity space is provided at roof level.

3.4. Members also asked what pressures were placed on the infrastructure with concerns that 16 units could lead to further flooding. The Presiding Officer replied that Thames Water did not have any concerns and that the area was a flood risk zone 1 location so there was a low level risk- the applicant therefore did not need

to provide a flood risk assessment. It was said that the drainage manager was unable to provide feedback on this application but on the last application, they had no objections.

3.5. Members mentioned that there is significant parking stress in the area and asked how would this be managed. The officer responded that the London Plan policy T6 determines a high public transport rating for such locations and that developments should be car-free. There are 2 accessible parking spaces also located on site.

3.6. It was asked why the development did not include any affordable housing. The Presiding Officer replied that this was becoming more common and likely a consequence of current economy. The London Plan framework allows a viability tested route for any scheme that is not delivering 50% affordable housing. He said that, in this instance, the application was accompanied with a financial viability assessment which was interrogated to assess if affordable housing could be included in the development as the submission came in at 0%. It was concluded that the scheme could not viably provide affordable housing, either on-site or in a cash in-lieu option.

3.7. The applicant was invited to speak on their application. The following was discussed:

3.8. The officers report was robust and balanced; The previous site was for 20 properties and was revised down to 16; Scale and sighting was original reason for refusal; The scheme was developed with conservation officers and co-signed by the highways and design officer; The change allows a reduction in hard surfacing and allows disabled parking; The 5 trees will be replaced by 38; The site will continue to be car free, which is more environmentally friendly; The potential impacts are reduced in comparison to the previously proposed scheme; There is also now an increase of family sized units as recommended by Local Plan.

3.9. Members asked what the service strategy was for the development. The applicant responded that there is a delivery bay on the frontage and the bins are placed within a short distance of the road for collection.

3.10. When asked how residents can use the available parking spaces, it was responded that the bays are right-angled to the road so can reverse in or park with front.

3.11. It was asked how the roof garden design prevents overlooking and if there was a children's play space- the applicant responded that they had done studies and the actual roof garden is set back from the roof itself, and a model was made to ensure this would not happen. He also stated that the children's play space was at back of site.

3.12. The objector was then invited to speak. Their main points were:

3.13. Firstly, it is an excessive scale and mass which falls just within what is deemed acceptable; the footprint of the new proposal is reduced somewhat but still impacts negatively in terms of overlooking both to Forest Croft and Taymont Grange; both flats affected are single aspect and some of the studios only have 1 liveable window. Some of these places impacted are non-habitable. Secondly, the loss of greenspace and roof terrace: the 3rd floor of Forest Croft looks directly into the roof terrace. There will also be a negative impact on residents because of the noise that would come from the roof terrace, as well as light pollution. Thirdly, regarding traffic and parking- there is concern of the safety of the service strategy. Taymont Rise has a steep camber and most service vehicles park in the middle of the street.

3.14. The objector also stated that it was not reasonable for residents in the development to not own cars. Overall, there is a huge negative effects on residents and no affordable housing. They expressed their disappointment that there was a lack of engagement from the developer.

3.15. The objector was asked about their opinion of the Highways Officer's report on the scheme. She responded that the report did not detail the full scope of the issue. She stated that there has been an occurring issue that because of pavement parking, lorries have been unable to reverse in or out of the area safely. The enforcement of safe parking is scant and pedestrians continue to lose out.

3.16. The Officer clarified that the refuse management plan deemed acceptable, servicing condition 13, condition 31 and condition 39.

3.17. Members acknowledged the objectors points and asked officers if there was a condition for management of roof terrace. They stated that use of the space needed to be regulated. The Presiding Officer stated that Members could add a condition to the recommendation. 8am to 10pm was agreed by Members.

3.18. It was MOVED, SECONDED and RESOLVED to approve the application subject to updated conditions.

4. LAND ON WICKHAM MEWS, REAR OF 4 WICKHAM ROAD (DC/22/128099)

4.1. The application was for the construction of a single storey office/studio on site of 3 demolished garages at Wickham Mews rear of 4 Wickham Road.

4.2. The Planning Officer presented an illustrative presentation of the proposal. He highlighted the following considerations: Principle of Development; Urban Design & Heritage Impact; Transport Impact; Living Conditions of Neighbours; Natural Environment. Planning officers considered these considerations to be satisfied. It was the officer recommendation to approve the application.

4.3. Members asked about use of the site- enforcement which would prevent the conversion to residential space- the officer responded that this is covered by condition 10.

4.4. Members asked about the height of the building stating that it is relatively shorter than neighbouring sites. The officer said that it was keeping with the heights accepted for the Mews development.

4.5. Members asked officers to outline the features compared to previous versions of application. The presenting officer explained that it was not fit for purpose for a commercial unit and it was not providing appropriate workspace.

4.6. The applicant was invited to present the proposal. Their main points were: dangerous levels of white asbestos were found in the small garages which were removed for the safety of residents; discussion with local groups, neighbours and the Council took place and ultimately, no residential application was made initially; the design was adapted; the planners support for the application shows that the applicant has successfully overcome all technical constraints; the structure can be built economically and would be bringing new life to underused resource of Wickham Mews; the rent will form a vital part of income in retirement.

4.7. Members asked how many people would use the space. The applicant responded that they could be approached by a single company or multiple people may want to use the space. Time constraints on the use of the property have been conditioned. The Presiding Officer added that the use class had been proposed for the scale of the development and it is expected numbers would be fairly minimal-typical use of such developments are 4-5 people.

4.8. The objector was then invited to speak. Their main points were:

4.9. The building line, proximity, scale, materials and height are the main issues. Wickham Mews is the last surviving undeveloped site in the area and is considered an unpopulated solitude. Regarding the building line, the 3 garages demolished were decades old and the applicant is applying to extend much further to include the forecourt. the effect of coming far forward would be to narrow the length of the Mews by 5metres. That is below the width that is recommended on the Lewisham small sites SPD.

4.10. The national 43 degree BRE rule aims to avoid overbearing proximity and squeezes tightly to its northern boundary. The proposed ridge height is 4.5metres. this is an unnecessarily lofty roof space for a single storey building. The Mews is a conservation area and a heritage asset.

4.11. Officer clarified that the utility connection is not material consideration. He added that there are 25m between the application site and the upper floors of 4 Wickham Road. The extension at basement level reduces that distance to 19m it is of planning officers judgement that the impact in terms of enclosure and overbearing impact would not be unacceptable. This is a usual separation distance. The area does have tranquil character, but portion of the Mews also has such development.

4.12. He also said, in terms of overbearing impact, that the applicant has provided an analysis of a 25 degree line which is the correct assessment.

4.13. Members expressed concern over sunlight and daylight accessible from the basement flat of 4 Wickham Road and wanted to know how much sunlight and daylight would be lost if any. The Presiding Officer responded that if the application or proposed development does pass the 25 degree test then further testing is not required. He advised that the application should not be refused for lack of daylight or sunlight on this basis, but if necessary, to gather further information on the daylight and sunlight. Planners were of the opinion that the impact was acceptable.

4.14. The officer clarified for Members that the passageway, although it has been used by residents, is not a public right of way. Planning legislation does not extend to if there was a public right of way, which would need to be done by highways order and are not material to the planning application

4.15. It was MOVED, SECONDED and RESOLVED to approve the officer recommendation to approve the application..

5. LAND ADJACENT TO 31 CLAYHILL CRESECENT, LONDON, SE9 4JA (DC/22/124954)

5.1. The application proposed for the replacement of the existing garage with a new two storey, two-bedroom dwellinghouse at the land to the side of 31 Clayhill Crescent, SE9, together with the provision of a car parking space, cycle storage and bin store. There were 4 objections received from neighbours.

5.2. The Planning Officer gave an illustrative presentation for the application. The key considerations were: Principle of Development; Housing; Urban Design; Standard of Accommodation; Impact on Adjoining Properties; Highway and Transportation; Sustainable Development. It was the officer recommendation to approve the application.

5.3. Members asked what the grounds for refusal were for the previous application to which the officer replied was design and impact on amenity. The principle of having a new dwelling to that land was supported and the design had been amended since the previous application.

5.4. It was also asked if fitting a gas boiler was the best decision and if a different heating method was an option, taking into consideration the Council's net zero target. The officer responded that a condition had been set which required the boiler to be in line with new climate changes and policies on boiler gas. The Presiding Officer added that as this is a single building proposed, the most that can be required is a low emissions boiler.

5.5. The applicant then gave their presentation. Their main points were:

5.6. He purchased the land after buying 31 Clayhill Crescent. He had been working with the Council on the new plans for over a year, after the first plans were refused. The land itself had been derelict for many years

5.7. Members had no questions for the applicant. They asked the officer about the positioning of the bin store, and if it were a suitable position for neighbours at the front of the property. The Presiding Officer responded that upon visiting the property, it is his opinion that storage unit would be aesthetically better, than the informal bin storage around the crescent. It is conditioned that full details of refuse storage be submitted for approval.

5.8. The objector was unable to attend the meeting online. There were also difficulties Members accepted that they had previously read the objections that were sent and appended to the report.

5.9. It was MOVED, SECONDED and RESOLVED that application was approved.

6. RIVER QUAGGY, JUNCTION OF GRANVILLE GROVE AND LEWISHAM HIGH STREET (DC/22/128176)

6.1. The proposal was for the provision of a sculpture (3800mm x 1060mm x 1000mm) for the River Quaggy located on the Junction of Granville Grove and Lewisham High Street SE13.

6.2. The Planning Officer gave a presentation of the application. The key considerations highlighted were Principle of Development; Highways and Pedestrian Impacts; and Flood Risk. It was the officer recommendation to approve the application.

6.3. The artist and applicant gave their presentation. they stated that the site was chosen as it was quite built up, and the history of the river being enclosed although the Lewisham Gateway Scheme has opened up part of the river. It was said that the sculpture would be of an abstract design, and is installed as part of Lewisham's status as the London Borough of Culture 2022, recognising the heritage of the River Quaggy. The material would be brushed stainless steel instead of polish so that it does not reflect light in a dramatic way for nearby drivers. The positioning of the sculpture was said to be contextually important for the value of the piece and that it would be good for members of the public to encounter the art that way.

6.4. The objector then gave their presentation. the raised four key points. The first being that the there should have been some pre-application consultation about the proposal. There was a concern that people do not feel engaged due to the visibility of the sculpture. It was also raised that there had been no consultation with disability or equality groups as the location shows a dropped curb in the plan. The objector also said that a better location for the sculpture would be at the bottom of St Stephen's Grover where there is no pedestrian walkway.

6.5. The presiding officer commented that the Committee can only determine if the proposed location is suitable and are not able to consider another location for suitability.

6.6. It was asked by Members to officers what the disability impact would be. The presenting officer highlighted the report which outlined that officers had discussed potential impact with the Highways team who responded that there needed to be a minimum clearance for which there is easy access around the sculpture. It was determined that the sculpture far exceeded this minimum requirement.

6.7. It was MOVED, SECONDED and RESOLVED to approve the application.

7. 1 ALGIERS ROAD, LONDON, SE13 7JD (DC/22/128609)

7.1. The application proposed the construction of a garden studio in the rear garden of 1 Algiers Road SE13. It was the officer recommendation to approve the application.

7.2. The officer gave a presentation of the application. The key considerations were Character; Heritage; Local Environment and Transport. It was the Planning Officer view that these considerations were satisfied by the proposal.

7.3. After hearing the Officer presentation, Members agreed the vote on the application, as there were no objectors present.

7.4. It was MOVED, SECONDED and RESOLVED to approve the application.

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MINUTES OF THE PLANNING COMMITTEE B

Wednesday, 29 March 2023 at 7.53 pm

PRESENT: Councillors Jack Lavery (Chair), Aliya Sheikh (Vice-Chair), Liz Johnston-Franklin, John Muldoon, Oana Olaru, Hilary Moore and John Paschoud

1. Appointments

It was MOVED, SECONDED and RESOLVED that the membership of this Committee for 2023/24 be as follows:

Councillor Jack Lavery
Councillor Aliya Sheikh
Councillor Hilary Moore
Councillor Liz Johnston-Franklin
Councillor John Paschoud
Councillor Billy Harding
Councillor Oana Olaru
Councillor John Muldoon

2. Election of Chair

It was MOVED, SECONDED and RESOLVED that Councillor Jack Lavery be elected Chair and Councillor Aliya Sheikh be elected Vice Chair of Planning Committee B for the municipal year 2023/24.

The meeting ended at 7.54pm.

Chair

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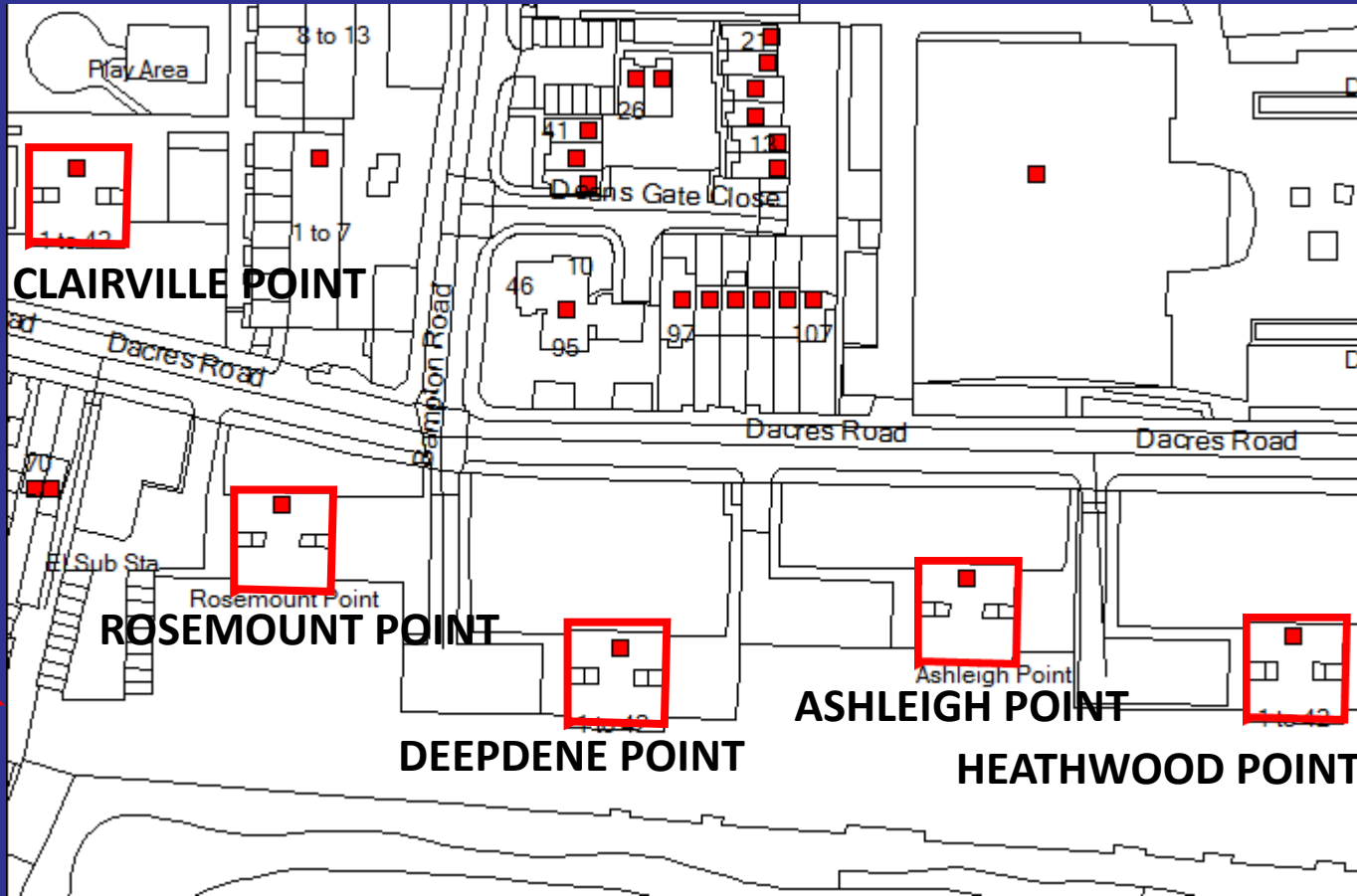
DACRES ROAD, LONDON, SE23

- 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

Page 20



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



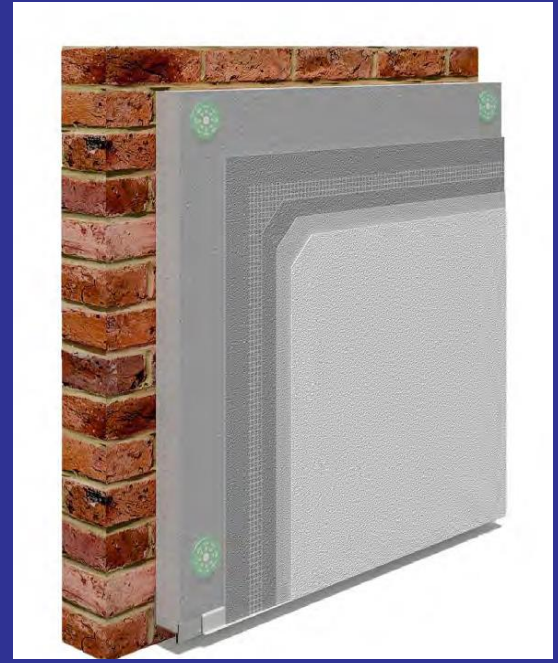
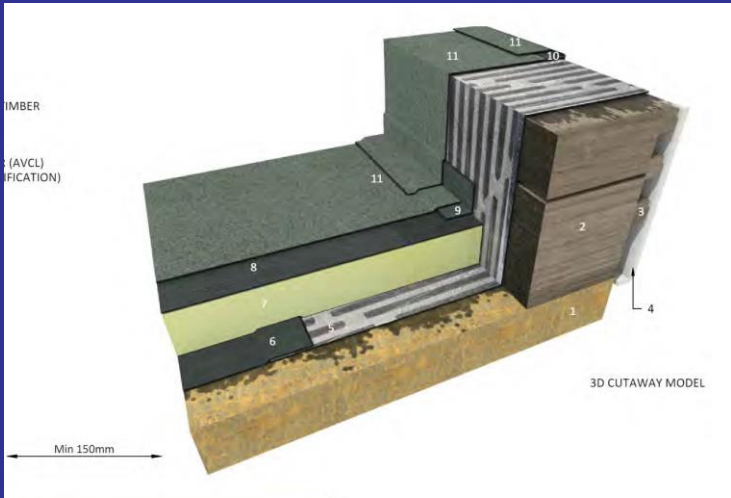
PROPOSED SOUTH EAST



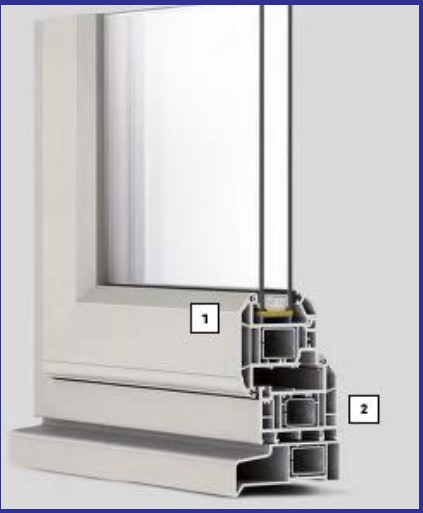
EXISTING NORTH WEST



PROPOSED NORTH WEST



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Existing and proposed Balustrades Top Floor



Page 23

Existing and proposed Balustrades Ground Floor



Key Planning Considerations

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

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Planning Committee B

ASHLEIGH POINT, DACRES ROAD, LONDON, SE23 2XL

Date: 29 June 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 main entrance doors, balconies, and screens 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.

Transport

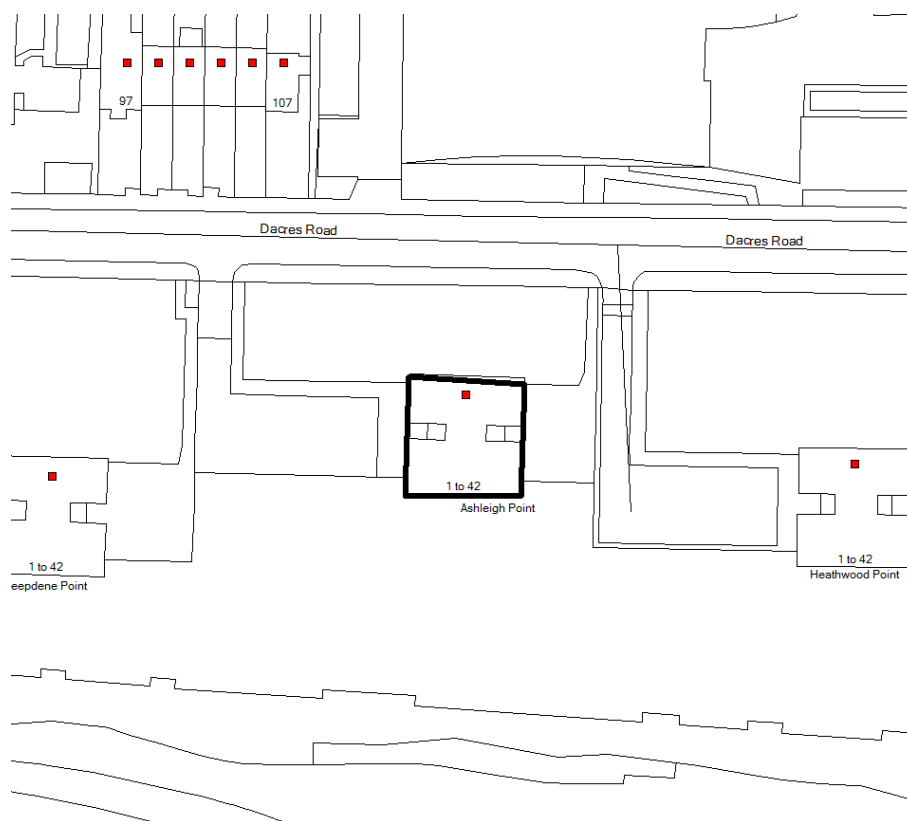
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- 7 The application site has a PTAL rate of 2. Sydenham station is 0.5 mile away (9 minutes walking) from the site, and several bus stops are within 5 minutes walking distance of the application site serving routes 356, 75, 122, 126, and 197.

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 **DC/23/131740** - Application for a Lawful Development Certificate (Proposed) submitted under Section 192 of the Town & Country Planning Act 1990 (as amended) to confirm whether the replacement of existing windows, roof system and deck substrate and the ground floor store room doors would be considered development as defined under Section (55) of the Town and Country Planning Act 1990 (as amended) at ASHLEIGH POINT, DACRES ROAD, SE23. Granted 06/06/2023.
- 11 The following applications are related to the other towers in this group, that are subject of a similar proposal.
- 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

Is this report easy to understand?

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- 13 **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.
- 14 **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.
- 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.
- 16 A series of planning applications under Lawful development (Proposed) with similar proposal related to the other towers in this area are recorded as, Ref: DC/23/131737, DC/23/131738, DC/23/131739, and DC/23/131741. Granted 06/06/2023.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 17 The proposal initially was to refurbish external cladding, replacement of windows, doors, balconies, screens, and roof finishes.
- 18 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
- 19 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.
- 20 It should be noted the following items are assessed and approved under Lawful Development Certificate application on 06/06/2023.

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- Replacement of existing windows to match existing structural openings, material, colour and frame size.
- Replace existing roof system and deck substrate
- Replace ground floor store room doors to match existing

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

21 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

22 Site notices were published on 13/03/2023.

23 46 letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 13/03/2023.

24 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 92]
The proposal is contrary with Policy C1.8 of Core Strategy Objective 5 of the Local Implementation Plan 2011-2030	[para 92 and 93]
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 70]
Potential of amenity impact with change balustrade design, particularly in the lower levels	[para 84]
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 61]

4.2.2 Non material planning consideration comments

25 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

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be noted that the points raised are issues for the freeholder and leaseholders to resolve and are not material planning considerations.

- 26 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.
- 27 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.
- 28 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.
- 29 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

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

4.4 EXTERNAL CONSULTATION

- 34 The following External Consultee were notified:
- 35 Fire Brigade: raised no objection, but made recommendations, please see below
- 36 Health and Safety Executive (HSE): satisfied with the fire safety design

5 POLICY CONTEXT

5.1 LEGISLATION

- 37 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).

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5.2 MATERIAL CONSIDERATIONS

38 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.

39 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.

40 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

41 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

42 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

43 London Plan SPG/SPD:

- Energy Assessment Guidance (October 2018)

6 PLANNING CONSIDERATIONS

44 The main issues are:

- Principle of Development
- Urban Design

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- Impact on Adjoining Properties
- Transport
- Sustainable Development
- Fire Safety

6.1 PRINCIPLE OF DEVELOPMENT

General policy

45 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.

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.

Policy

47 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

48 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.

49 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.

50 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

51 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.

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

53 The proposed alteration of the cladding consists of:

- Repair all defective exposed concrete elements, and bricks

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- 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

54 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.

55 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

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

57 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.

58 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

59 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.

60 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.

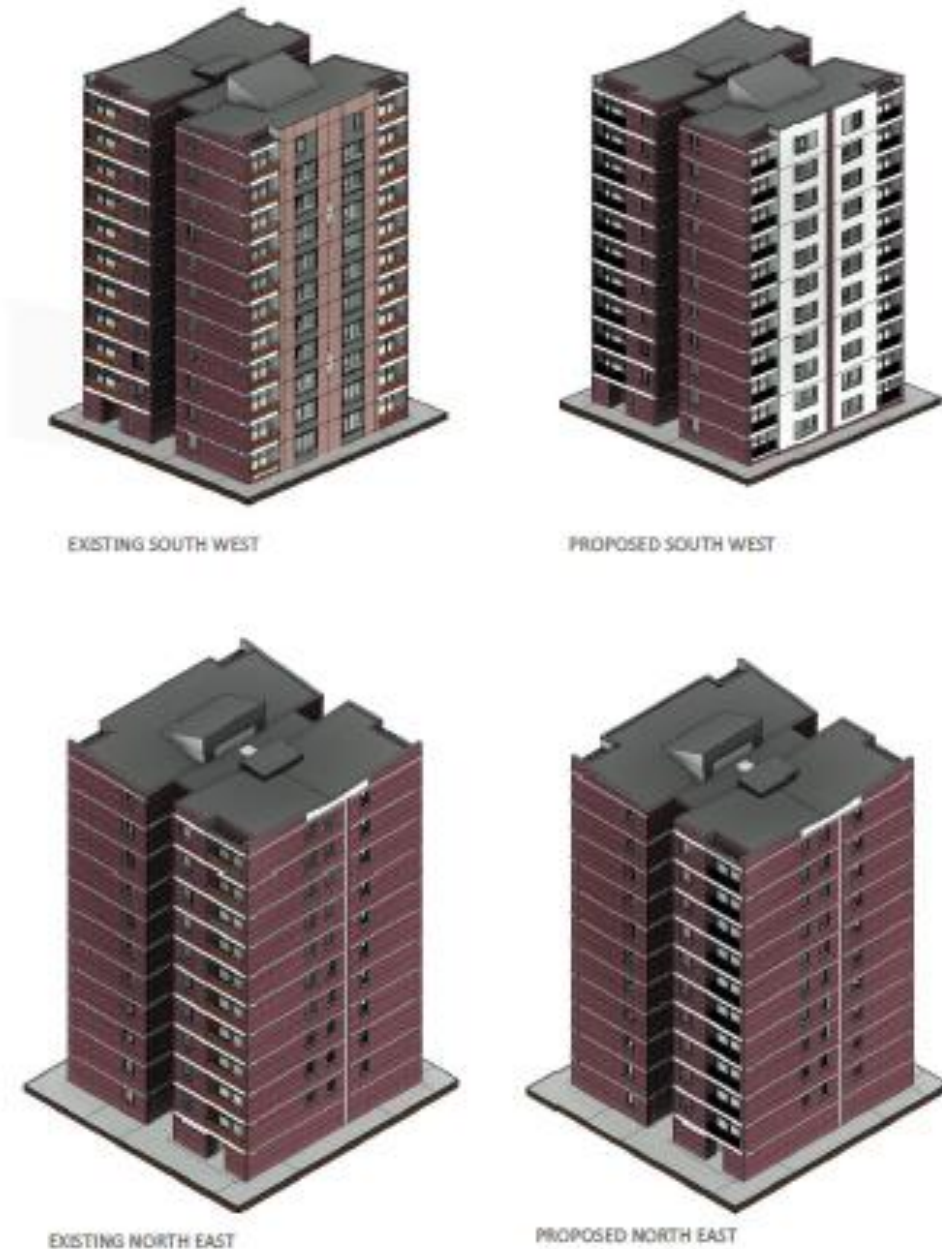
61 The windows and doors would be the same style, material, and colour as the existing. Objections were raised questioning the quality of uPVC windows: the windows proposed are of good quality and would be similar to those used on many residential buildings and are considered unobjectionable. The new 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

- 62 The doors to the communal areas would receive coloured paint finish to match the main ground floor entrance, the colour is not confirmed yet.
- 63 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.

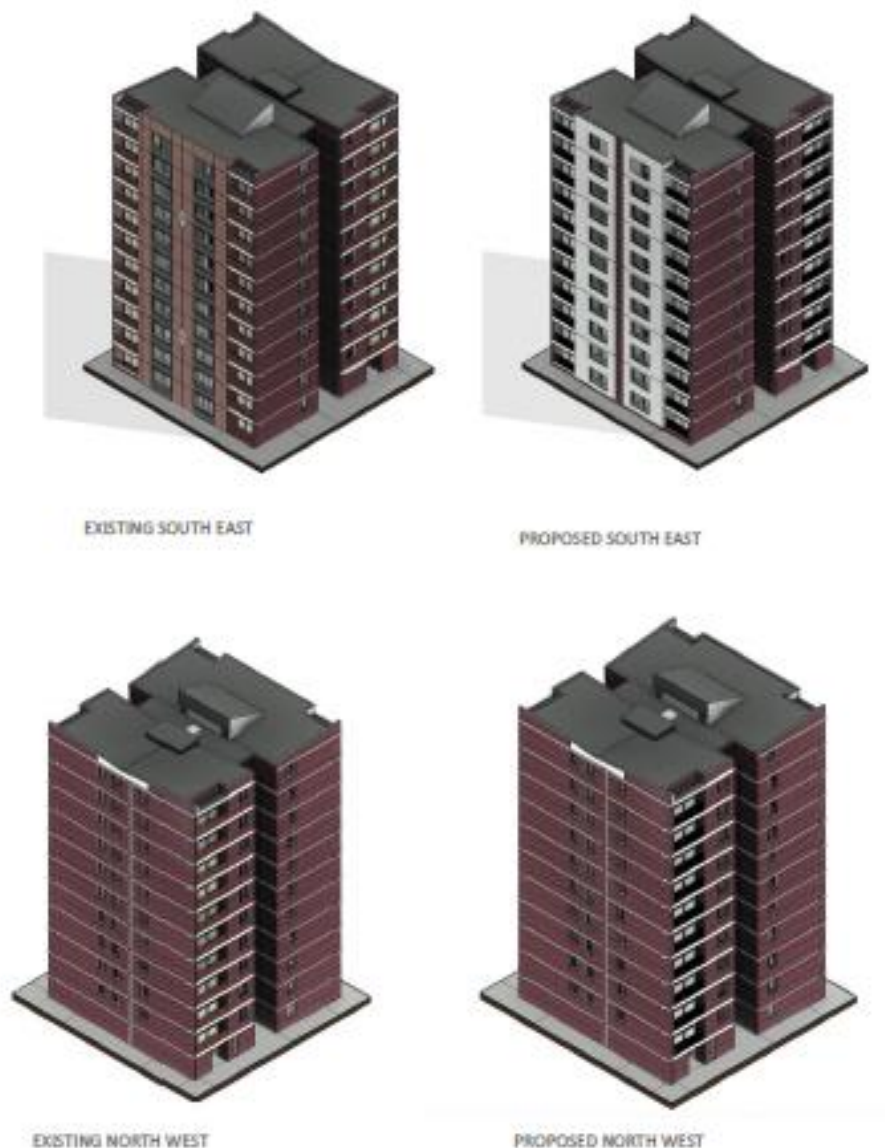
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- 64 The doors to the flats would be new Rehau residential uPVC doors finished in white glazing (28mm Sealed Units) and multipoint locking mechanism to achieve the requirements of BS EN12608:2016.
- 65 New external glazed timber screens and doors to 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.
- 66 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.
- 67 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

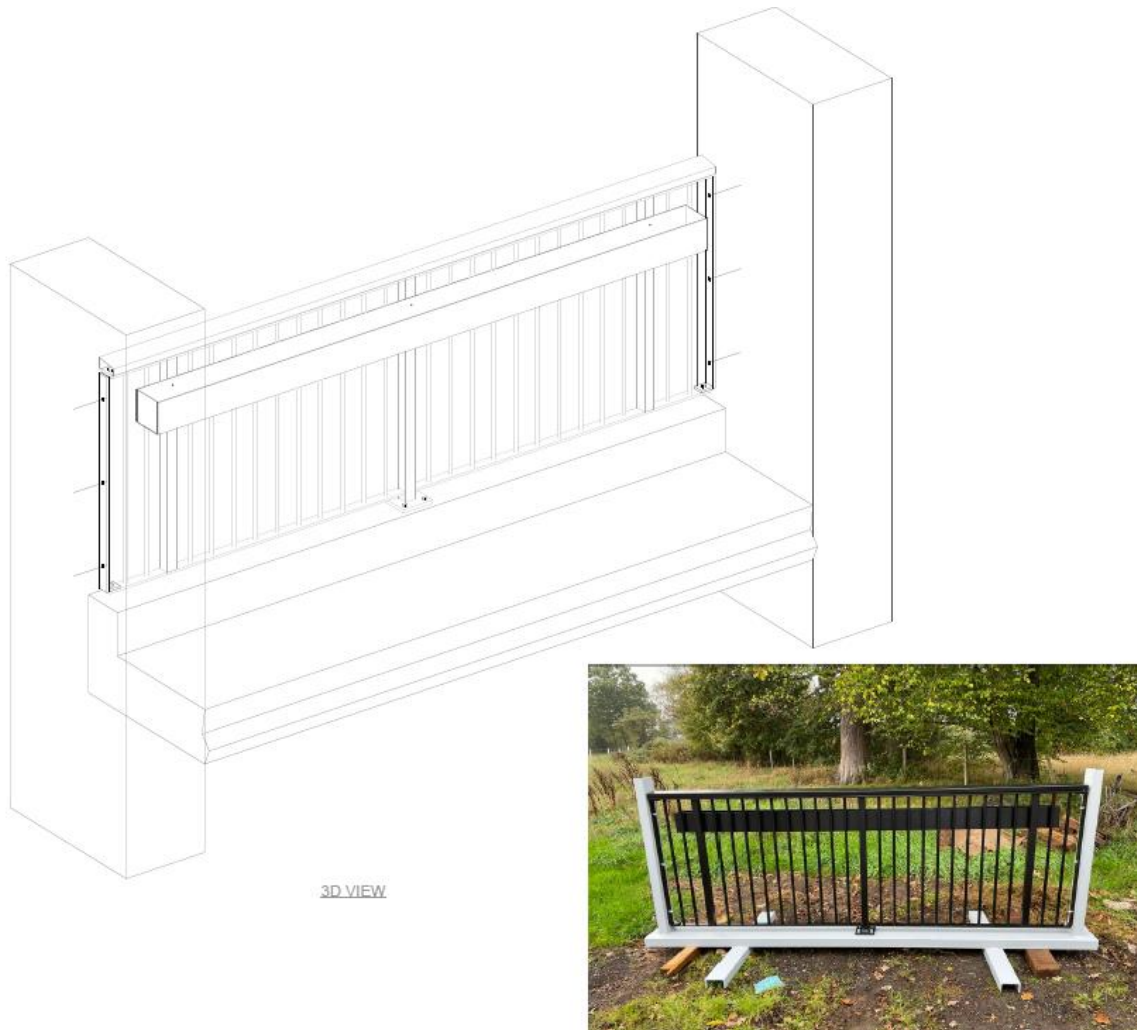
- 68 The existing timber balustrade at the balconies would be replaced with polyester powder coated aluminium balustrades to ensure compliance with both Approved Documents Part B and Part K. The colour would be dark grey RAL colour: 7022. At the ground floor the existing masonry upstand would be retained, and the timber balustrade would be replaced with the railing.
- 69 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.
- 70 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.
- 71 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

72 Current ground floor landscaping remains as existing.

6.2.7 Urban Design Conclusion

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

6.3 TRANSPORT IMPACT

General policy

74 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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75 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

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

Discussion

77 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.

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

79 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.

80 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

81 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

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

Discussion

83 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.

84 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

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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.

85 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

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

6.5 SUSTAINABLE DEVELOPMENT

General Policy

87 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.

88 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

89 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.

90 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

91 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

92 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.

93 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 Sustainable development conclusion

94 The development is considered to be compliant with the relevant national, regional and local policies, relevant to sustainable infrastructure.

6.6 FIRE SAFETY

General Policy

95 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

96 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.

97 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.

98 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.

99 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.

6.6.1 conclusion

100 London Fire Brigade were consulted and raised no objections to the proposal. The proposed alteration of materials and related measures are considered to improve the fire safety aspects of the building and are considered acceptable and a planning merit of the scheme.

101 The Health and Safety Executive (HSE) have also been consulted and have stated that: *Following a review of the information provided in the planning application, HSE is*

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satisfied with the fire safety design relating to the project description, to the extent that it affects land use planning considerations.

7 LOCAL FINANCE CONSIDERATIONS

102 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).

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

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

8 EQUALITIES CONSIDERATIONS

105 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.

106 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.

107 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.

108 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

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

- 109 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
- 110 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>
- 111 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

- 112 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
- 113 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.
- 114 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.

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115 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

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

117 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.

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

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

11 RECOMMENDATION

120 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;

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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**

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 other than removal, and preparatory works to remove, combustible cladding and other materials etc that pose a fire risk 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

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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

13 REPORT AUTHOR AND CONTACT

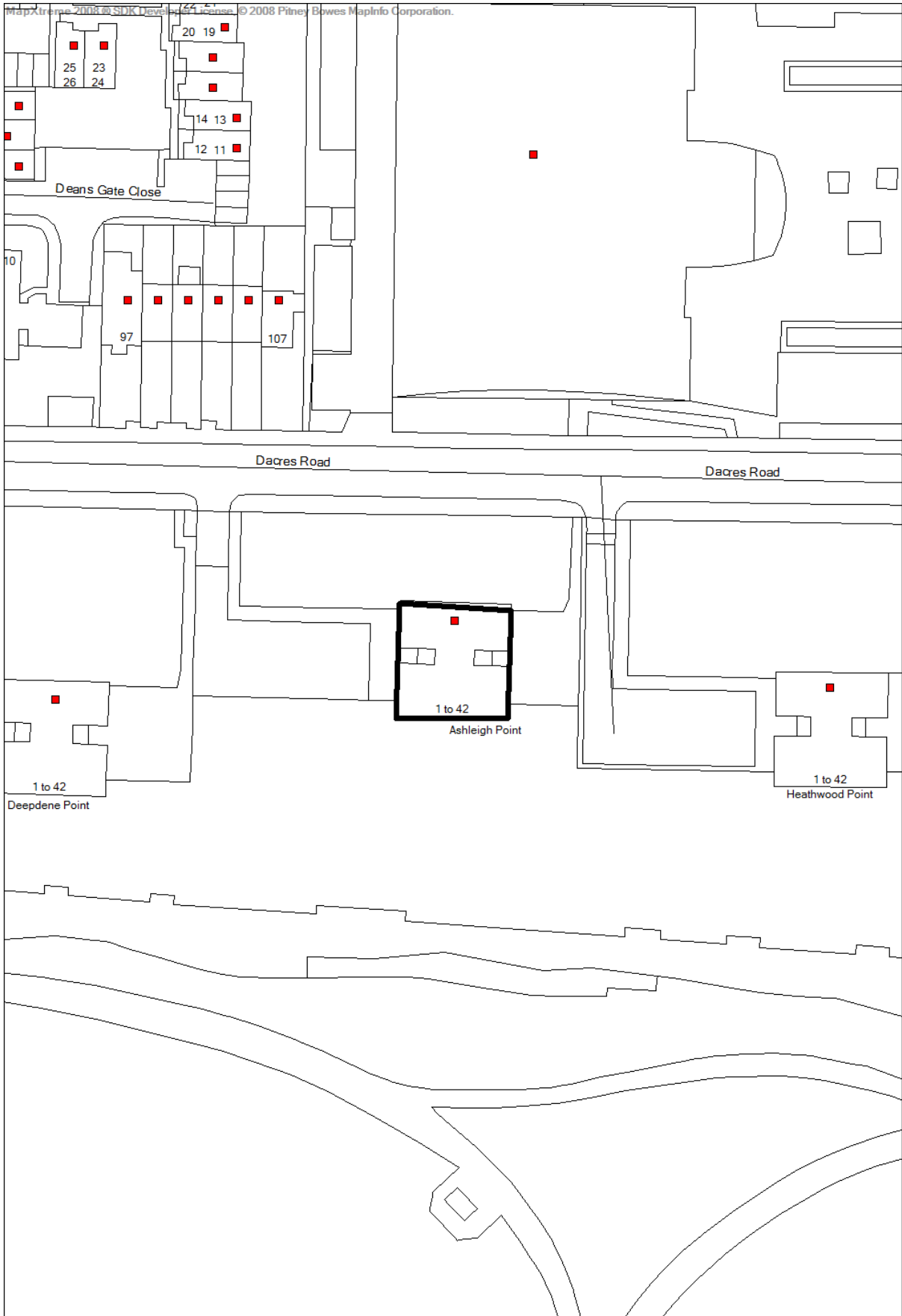
- Zahra Rad (Planning Officer)
- Email: Zahra.Rad@lewisham.gov.uk
- Telephone: 020 831 49153

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of the Local Government Act 1972.

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Planning Committee B

Report title:

CLAIRVILLE POINT, DACRES ROAD, LONDON, SE23 2PA

Date: 29 June 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.

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Local environment

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

Transport

- 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 **DC/23/131737** - Application for a Lawful Development Certificate (Proposed) submitted under Section 192 of the Town & Country Planning Act 1990 (as amended) to confirm whether the replacement of existing windows, roof system and deck substrate and the ground floor store room doors would be considered development as defined under Section (55) of the Town and Country Planning Act 1990 (as amended) at CLAIRVILLE POINT, DACRES ROAD, LONDON, SE23 2PA. Granted 06/06/2023.
- 11 The following applications are related to the other towers in this group, that are subject of a similar proposal.

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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.
- 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.
- 16 A series of planning applications under Lawful development (Proposed) with similar proposal related to the other towers in this area are recorded as, Ref: DC/23/131738, DC/23/131739, DC/23/131740, and DC/23/131741. Granted 06/06/2023.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 17 The proposal is to refurbish external cladding, replacement of windows, doors, balconies, screens, and roof finishes.
- 18 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

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19 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.

20 It should be noted the following items are assessed and approved under Lawful Development Certificate application on 06/06/2023.

- Replacement of existing windows to match existing structural openings, material, colour and frame size.
- Replace existing roof system and deck substrate
- Replace ground floor store room doors to match existing

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

21 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

22 Site notices were printed on 13/03/2023.

23 72 letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 13/03/2023.

24 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 92]
The proposal is contrary with Policy C1.8 of Core Strategy Objective 5 of the Local Implementation Plan 2011-2030.	[para 92 and 93]
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 70]
Potential of amenity impact with change balustrade design, particularly in the lower levels.	[para 84]
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 61]

4.2.2 Non material planning consideration comments

25 A number of comments are related to the consultation procedure between Lewisham Homes and the occupiers/owners of flats including transparency on cost, selecting

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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.

- 26 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.
- 27 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.
- 28 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 application form certificate B Ownership has been filled in and all legal requirements have been met in relation to the application form and notifications.
- 29 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

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

4.4 EXTERNAL CONSULTATION

- 34 The following External Consultees were notified on 13/03/2023:
- 35 Fire Brigade: raised no objection, but made recommendations, please see below
- 36 Health and Safety Executive (HSE): satisfied with the fire safety design.

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5 POLICY CONTEXT

5.1 LEGISLATION

37 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

38 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.

39 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.

40 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

41 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

42 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

43 London Plan SPG/SPD:

- Energy Assessment Guidance (October 2018)

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6 PLANNING CONSIDERATIONS

44 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

45 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.

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.

Policy

47 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

48 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.

49 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.

50 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

51 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.

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- 52 The existing cladding is predominantly brick clad with the exposed party walls on the external façade painted white to delineate apartments.
- 53 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
- 54 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.
- 55 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**
- 56 The existing roof is poorly insulated and finished in mineral felt.
- 57 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.
- 58 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**
- 59 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.
- 60 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.

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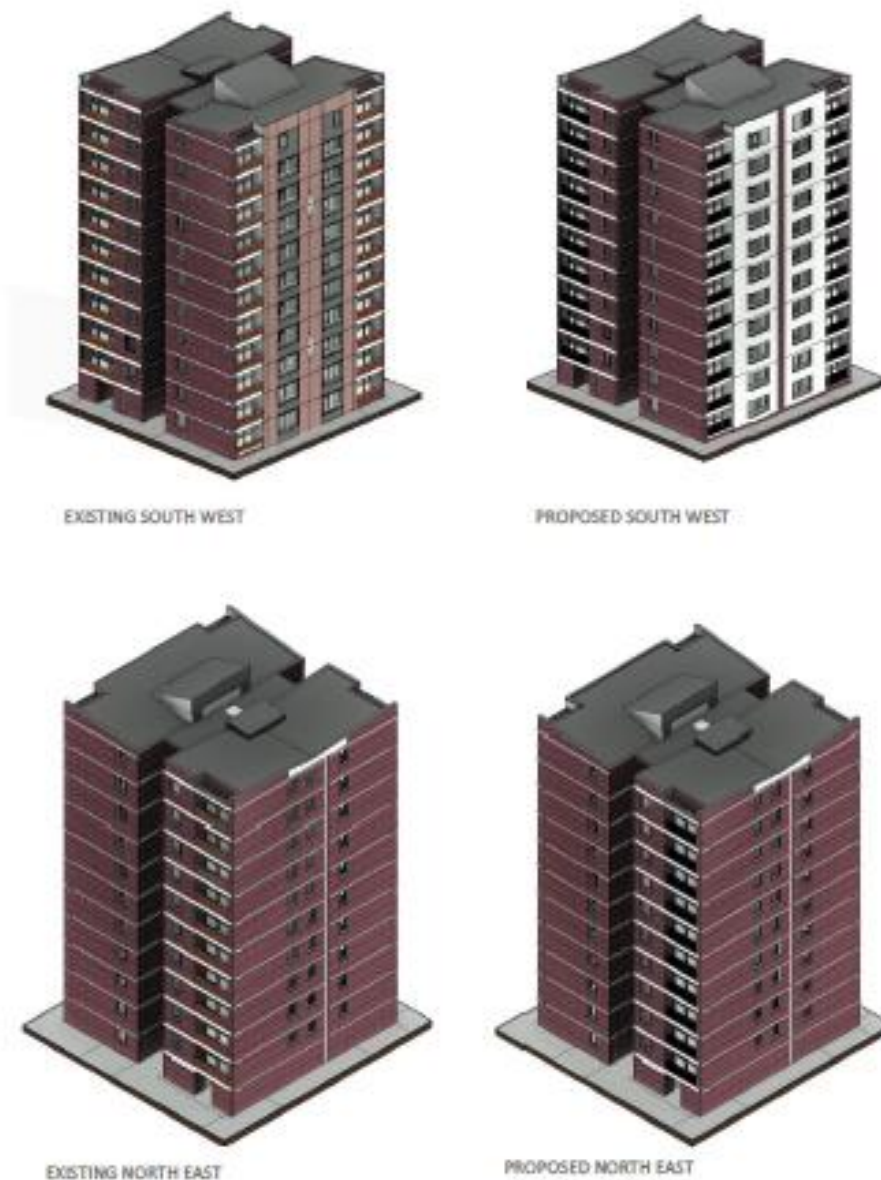
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61

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

Figure 2 Existing and proposed South West and North East



6.2.4 Replacement of Doors and Screens

62

The doors to the communal areas would receive coloured paint finish to match the main ground floor entrance, the colour is not confirmed yet.

63

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

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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.

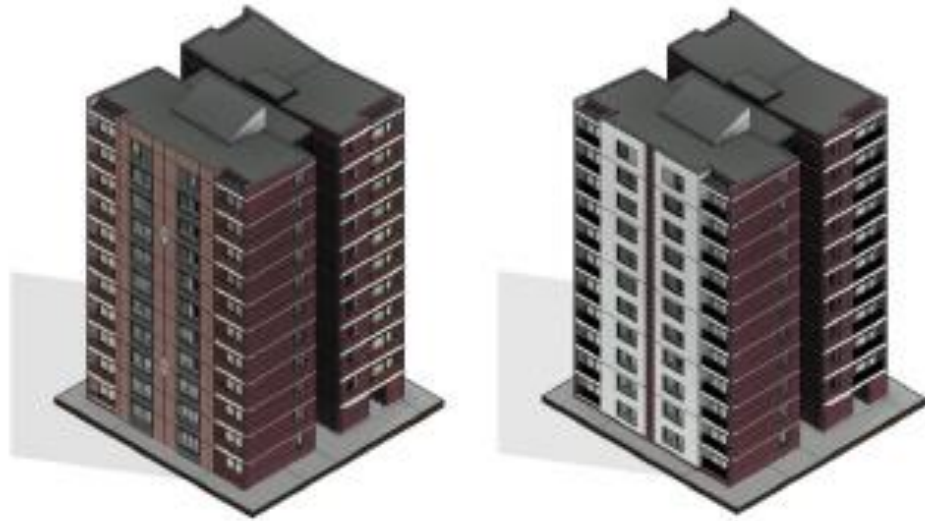
- 64 The doors to the flats would be new Rehau residential uPVC doors finished in white glazing (28mm Sealed Units) and multipoint locking mechanism to achieve the requirements of BS EN12608:2016.
- 65 New external glazed timber screens and doors to the central access core are proposed to ensure compliance with current fire safety legislation, by a minimum u-value of 1.6 W/m²K to achieve the requirements of the building regulations.
- 66 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.
- 67 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

- 68 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.
- 69 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.

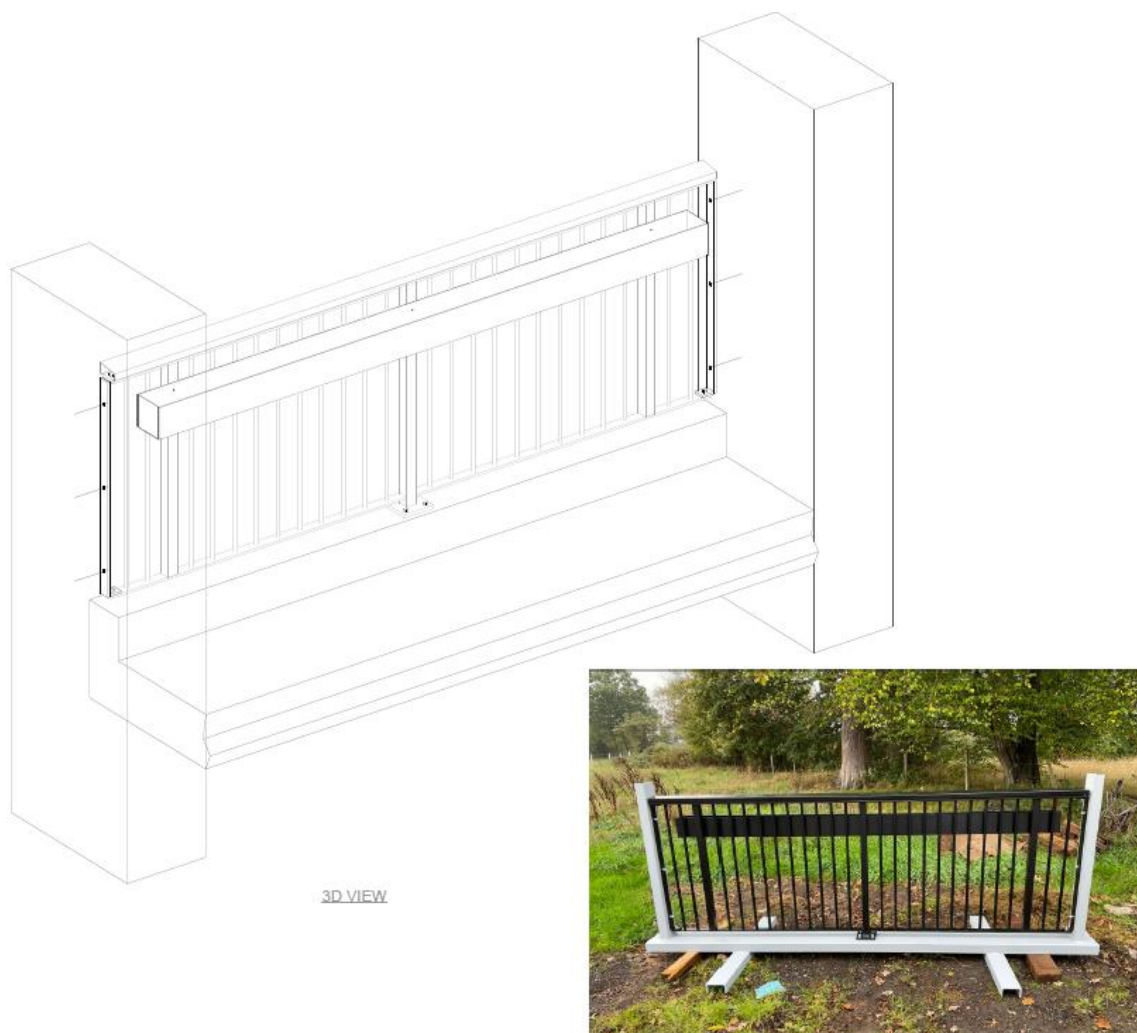
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- 70 Objections were received regarding the change of existing timber balustrades with metal railings. It is noted that timber balustrades at balconies of all of the five towers in this area are considered as an original character of these buildings. 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.
- 71 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

- 72 Current ground floor landscaping remains as existing.

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6.2.7 Urban Design Conclusion

73 Given above, the proposed alterations are considered to be acceptable and in keeping with the appearance of the building.

6.3 TRANSPORT IMPACT

General policy

74 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.

75 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

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

Discussion

77 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.

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

79 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.

80 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

81 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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82 CP15, DMP31(c) and the provisions of the Alterations and Extensions SPD are relevant.

Discussion

83 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.

84 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.

85 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

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

6.5 SUSTAINABLE DEVELOPMENT

General Policy

87 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.

88 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

89 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.

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

6.5.2 Energy and carbon emissions reduction

Policy

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91 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

92 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.

93 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 Sustainable Infrastructure Conclusion

94 The development is considered to be compliant with the relevant national, regional and local policies, relevant to sustainable infrastructure.

6.6 Fire Safety

General Policy

95 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

96 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.

97 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.

98 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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99 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.

6.6.1 Conclusion

100 London Fire Brigade were consulted and raised no objections to the proposal. The proposed alteration of materials and related measures are considered to improve the fire safety aspects of the building and are considered acceptable and a planning merit of the scheme.

101 The Health and Safety Executive (HSE) have also been consulted and have stated that: *Following a review of the information provided in the planning application, HSE is satisfied with the fire safety design relating to the project description, to the extent that it affects land use planning considerations.*

7 LOCAL FINANCE CONSIDERATIONS

102 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).

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

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

8 EQUALITIES CONSIDERATIONS

105 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.

106 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.

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- 107 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.
- 108 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>
- 109 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
- 110 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>
- 111 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

- 112 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

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- Protocol 1, Article 2: Right to education

- 113 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.
- 114 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.
- 115 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

- 116 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 117 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.
- 118 The proposal would not have any adverse impact on the transportation network, subject to the condition related to CLMP.
- 119 In light of the above, the application is recommended for approval, subject to the schedule of conditions set out below.

11 RECOMMENDATION

- 120 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.

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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;
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.

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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 other than removal, and preparatory works to remove, combustible cladding and other materials etc that pose a fire risk 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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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Planning Committee B

Report title:

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

Date: 29 June 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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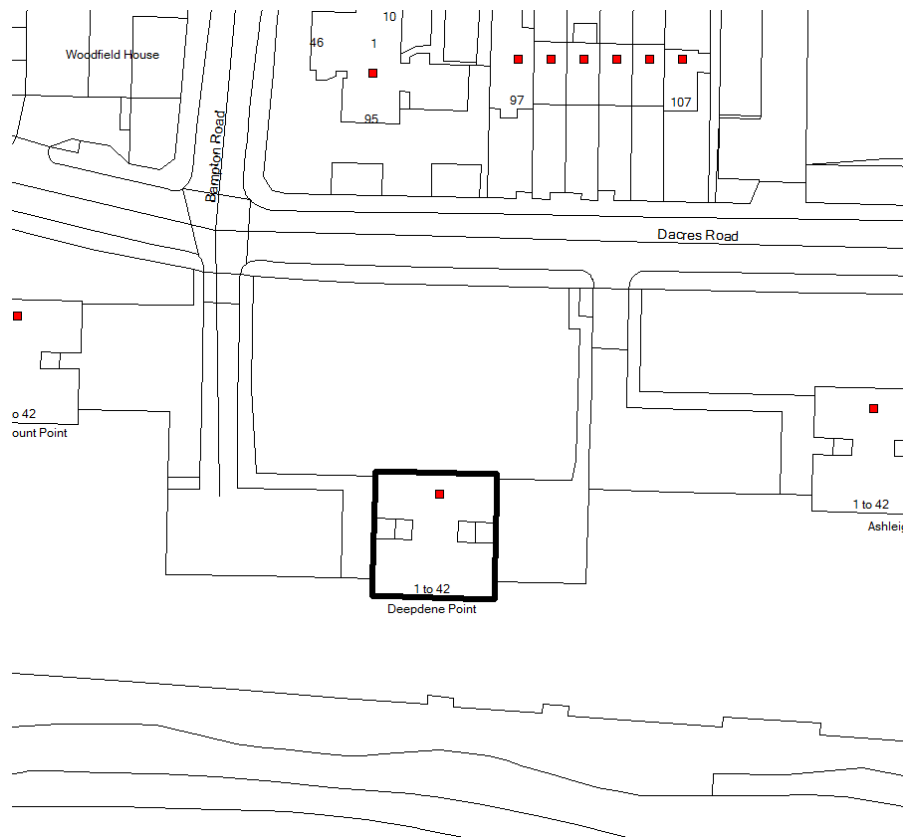
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Transport

- 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 **DC/23/131739** - Application for a Lawful Development Certificate (Proposed) submitted under Section 192 of the Town & Country Planning Act 1990 (as amended) to confirm whether the replacement of existing windows, roof system and deck substrate and the ground floor store room doors would be considered development as defined under Section (55) of the Town and Country Planning Act 1990 (as amended) at DEEPDENE POINT, DACRES ROAD, LONDON, SE23 2BN. Granted 06/06/2023.
- 11 The following applications are related to the other towers in this group, that are subject of a similar proposal.

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- 12 **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
- 13 **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.
- 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.
- 16 A series of planning applications under Lawful development (Proposed) with similar proposal related to the other towers in this area are recorded as, Ref: DC/23/131737, DC/23/131738, DC/23/131740, and DC/23/131741. Granted 06/06/2023.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 17 The proposal is to refurbish external cladding, replacement of windows, doors, balconies, screens, and roof finishes.
- 18 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

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19 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.

20 It should be noted the following items are assessed and approved under Lawful Development Certificate application on 06/06/2023.

- Replacement of existing windows to match existing structural openings, material, colour and frame size.
- Replace existing roof system and deck substrate
- Replace ground floor store room doors to match existing

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

21 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

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

23 46 letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 13/03/2023.

24 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 92]
The proposal is contrary with Policy C1.8 of Core Strategy Objective 5 of the Local Implementation Plan 2011-2030.	[para 92 and 93]
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 70]
Potential of amenity impact with change balustrade design, particularly in the lower levels.	[para 84]
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 61]

4.2.2 Non material planning consideration comments

25 A number of comments are related to the consultation procedure between Lewisham Homes and the occupiers/owners of flats including transparency on cost, selecting

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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.

- 26 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.
- 27 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.
- 28 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.
- 29 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

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

4.4 EXTERNAL CONSULTATION

- 34 The following External Consultees were notified on 13/03/2023:
- 35 Fire Brigade: raised no objection, but make recommendations, please see below
- 36 Health and Safety Executive (HSE): satisfied with the fire safety design

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5 POLICY CONTEXT

5.1 LEGISLATION

37 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

38 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.

39 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.

40 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

41 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

42 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

43 London Plan SPG/SPD:

- Energy Assessment Guidance (October 2018)

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6 PLANNING CONSIDERATIONS

44 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

45 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.

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.

Policy

47 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

48 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.

49 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.

50 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

51 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.

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- 52 The existing cladding is predominantly brick clad with the exposed party walls on the external façade painted white to delineate apartments.
- 53 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
- 54 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.
- 55 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**
- 56 The existing roof is poorly insulated and finished in mineral felt.
- 57 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.
- 58 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**
- 59 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.
- 60 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.
- 61 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

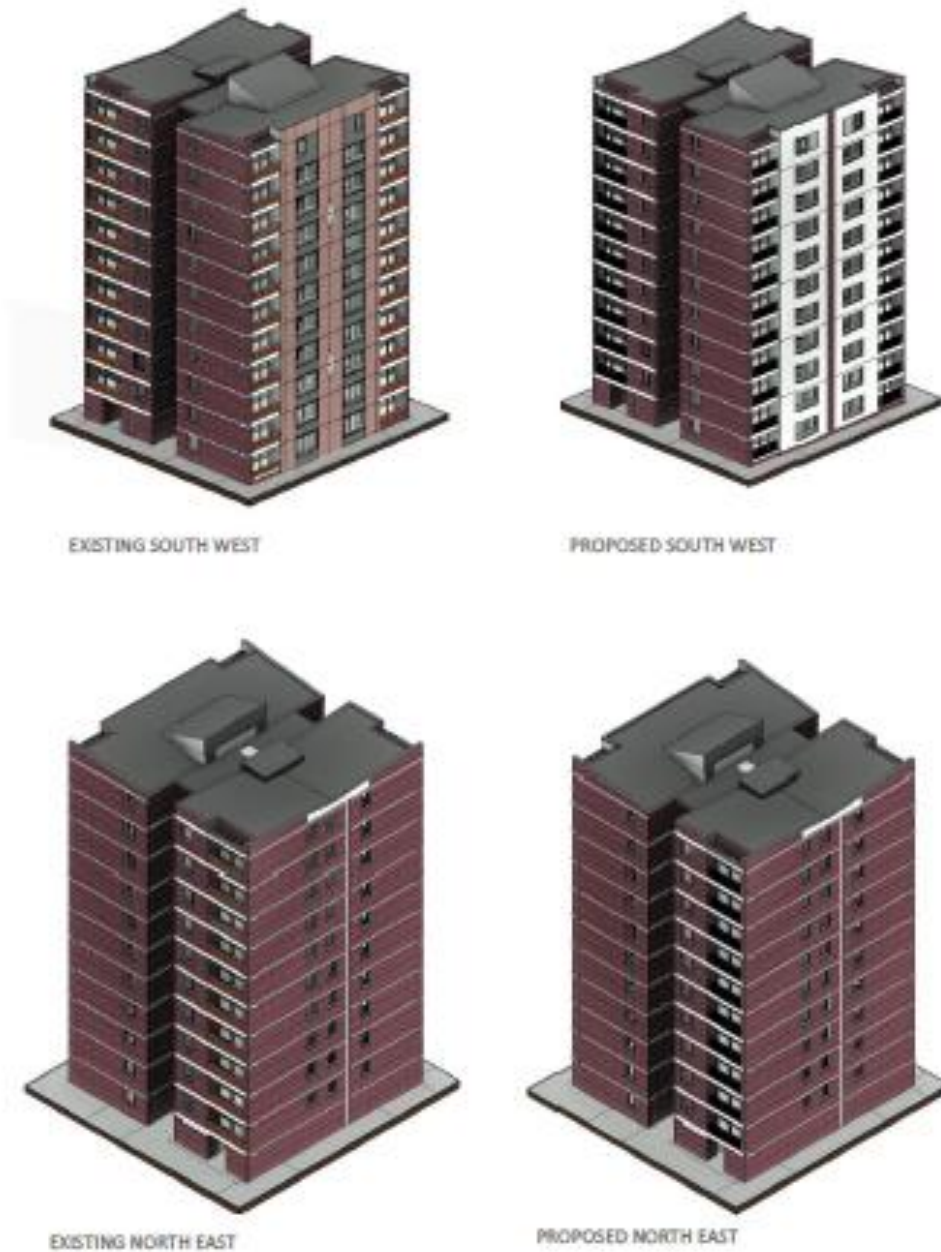
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are of good quality and would be similar to these use on many residential buildings and are considered unobjectionable. The new double-glazed windows would improve the building's performance in terms of energy efficiency, and sound isolation, and are supported.

Figure 2 Existing and proposed South West and North East



6.2.4 Replacement of Doors and Screens

- 62 The doors to the communal areas would receive coloured paint finish to match the main ground floor entrance, the colour is not confirmed yet.
- 63 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

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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.

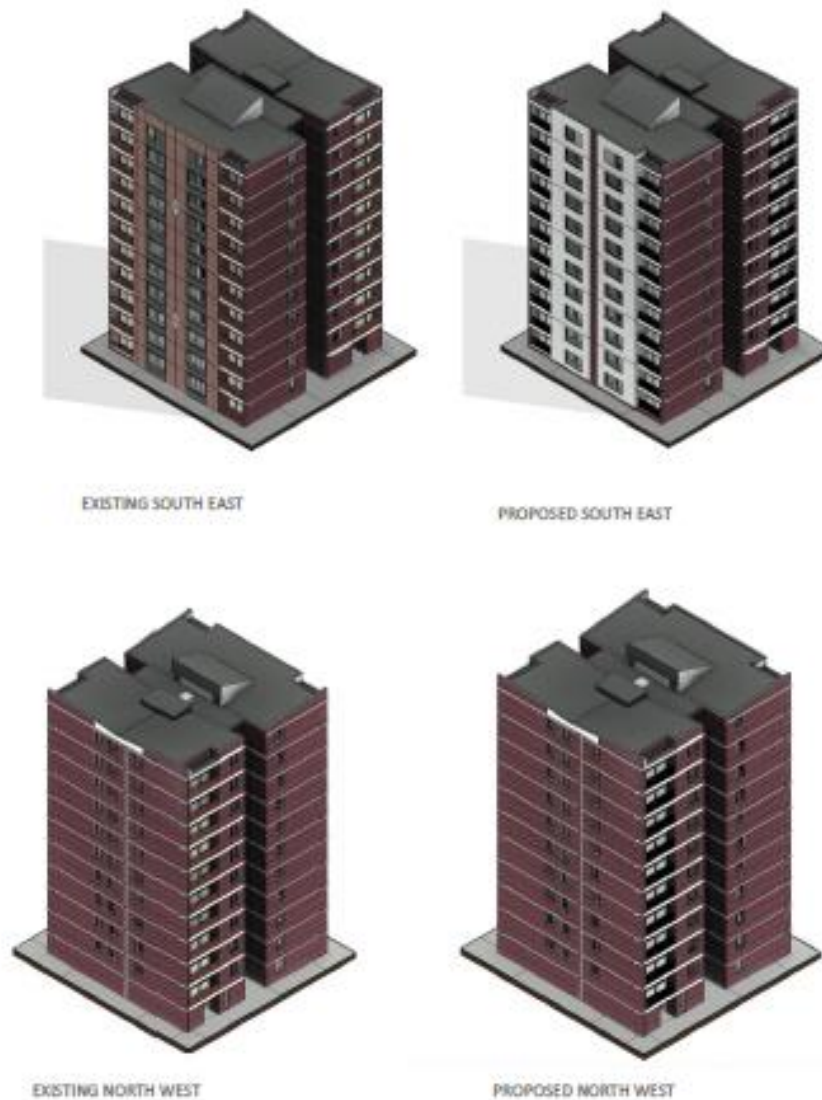
- 64 The doors to the flats would be new Rehau residential uPVC doors finished in white glazing (28mm Sealed Units) and multipoint locking mechanism to achieve the requirements of BS EN12608:2016.
- 65 New external glazed timber screens and doors to the central access core are proposed to ensure compliance with current fire safety legislation, by a minimum u-value of 1.6 W/m²K to achieve the requirements of the building regulations.
- 66 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.
- 67 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

- 68 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.
- 69 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.
- 70 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

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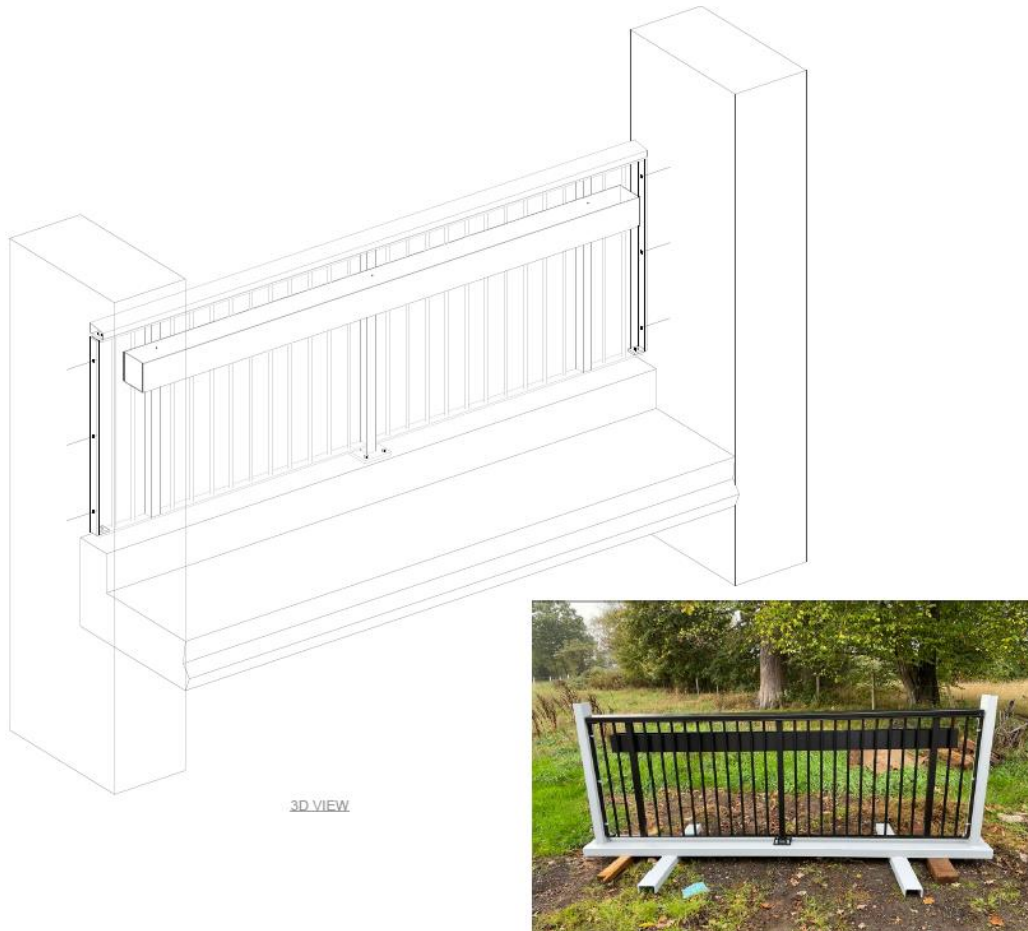
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regarding fire safety, timber balustrades for high rise buildings such as this tower, are no longer supported.

- 71 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

- 72 Current Ground floor landscaping remains as existing.

6.2.7 Urban Design Conclusion

- 73 Given above, the proposed alterations are considered to be acceptable and in keeping with the appearance of the building.

6.3 TRANSPORT IMPACT

General policy

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74 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.

75 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

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

Discussion

77 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.

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

79 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.

80 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

81 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

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

Discussion

83 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.

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84 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.

85 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

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

6.5 SUSTAINABLE DEVELOPMENT

General Policy

87 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.

88 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

89 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.

90 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

91 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

92 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.

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93 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 Sustainable Infrastructure Conclusion

94 The development is considered to be compliant with the relevant national, regional and local policies, relevant to sustainable infrastructure.

6.6 Fire Safety

General Policy

95 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

96 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.

97 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.

98 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.

99 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.

6.6.1 Fire Safety: Conclusion

100 London Fire Brigade were consulted and raised no objections to the proposal. The proposed alteration of materials and related measures are considered to improve the fire

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safety aspects of the building and are considered acceptable and a planning merit of the scheme.

- 101 The Health and Safety Executive (HSE) have also been consulted and have stated that: *Following a review of the information provided in the planning application, HSE is satisfied with the fire safety design relating to the project description, to the extent that it affects land use planning considerations.*

7 LOCAL FINANCE CONSIDERATIONS

- 102 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).

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

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

8 EQUALITIES CONSIDERATIONS

- 105 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.

- 106 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.

- 107 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.

- 108 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

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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>

- 109 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
- 110 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>
- 111 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

- 112 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
- 113 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.
- 114 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.

- 115 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

- 116 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 117 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.
- 118 The proposal would not have any adverse impact on the transportation network, subject to the condition related to CLMP.
- 119 In light of the above, the application is recommended for approval, subject to the schedule of conditions set out below.

11 RECOMMENDATION

- 120 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-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;

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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.

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 other than removal, and preparatory works to remove, combustible cladding and elements of other materials etc that pose a fire risk shall commence on site until further details have been submitted to and approved in writing by the local planning authority. Such details shall include:

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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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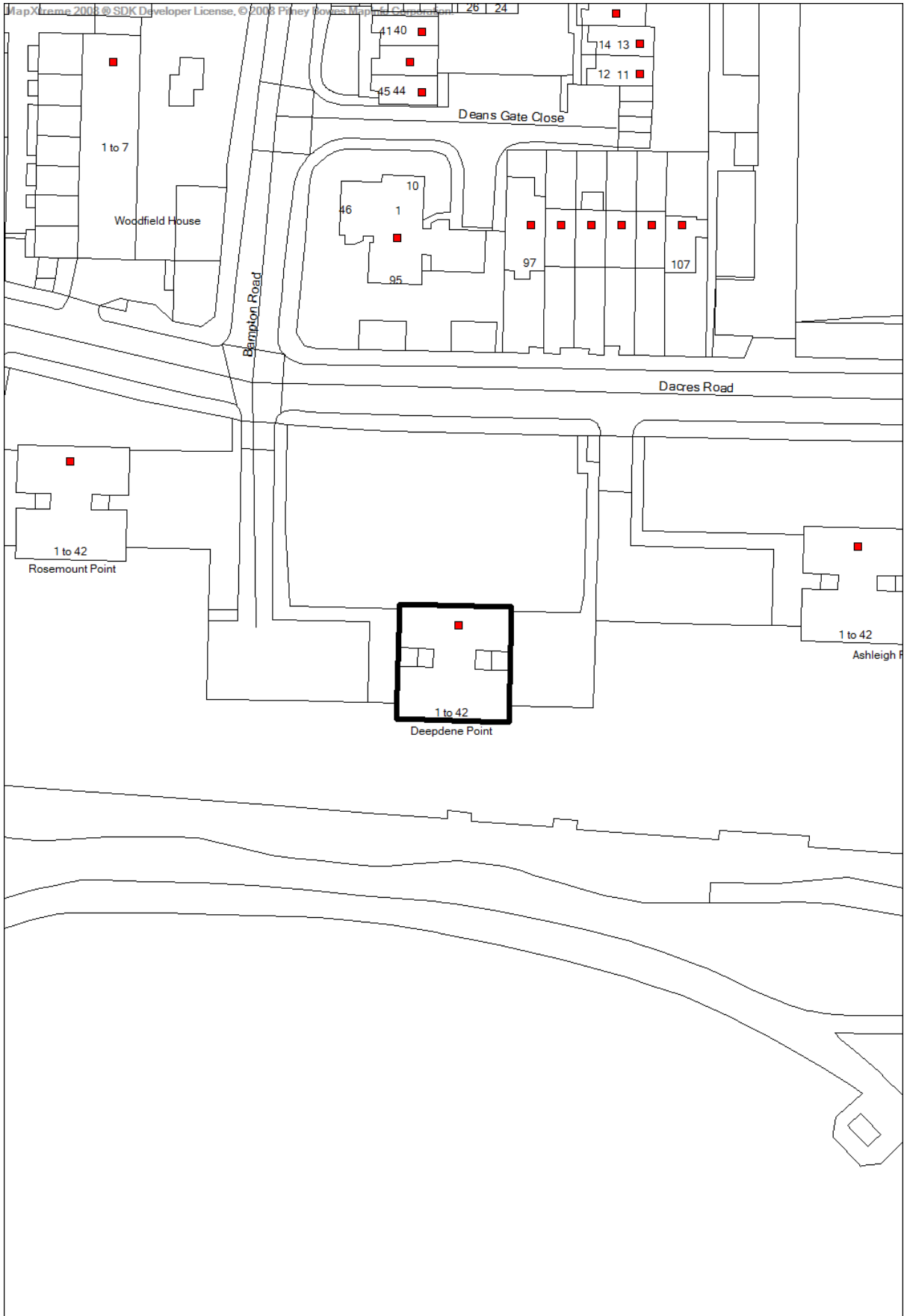
13 REPORT AUTHOR AND CONTACT

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

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Planning Committee B

Report title:

HEATHWOOD POINT, DACRES ROAD, LONDON, SE23 2XJ

Date 29 June 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.

Transport

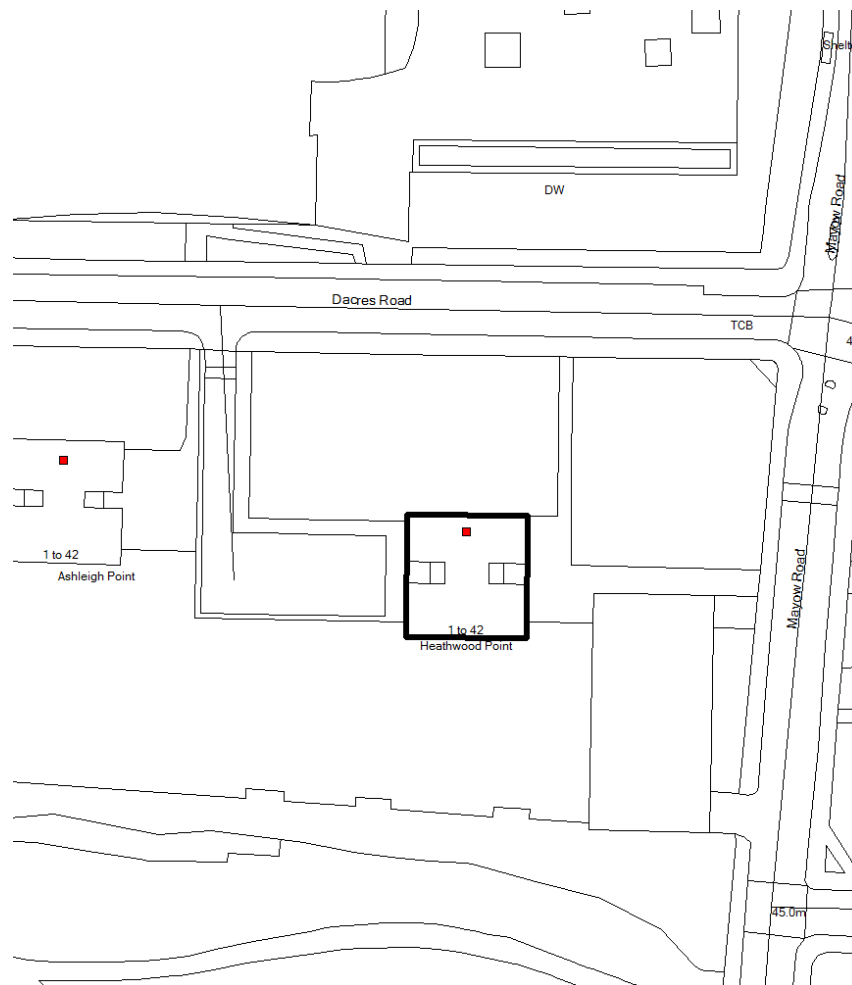
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- 7 The application site has a PTAL rate of 2. Sydenham station is 0.6 mile away (12 minutes walking) from the site, and several bus stops are within 5 minutes walking distance of the application site serving routes 356,75,122,126, and 197.

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 **DC/23/131741** - Application for a Lawful Development Certificate (Proposed) submitted under Section 192 of the Town & Country Planning Act 1990 (as amended) to confirm whether the replacement of existing windows, roof system and deck substrate and the ground floor store room doors would be considered development as defined under Section (55) of the Town and Country Planning Act 1990 (as amended) at HEATHWOOD POINT, DACRES ROAD, LONDON, SE23 2XJ. Granted 06/06/2023.
- 11 The following applications are related to the other towers in this group, that are subject of a 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/23/130570** - Refurbishment of external cladding, replacement of windows, doors, balconies, screens and roof finishes at ROSEMOUNT POINT, DACRES ROAD, LONDON, SE23 2BW. Pending.
- 14 **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
- 15 **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.
- 16 A series of planning applications under Lawful development (Proposed) with similar proposal related to the other towers in this area are recorded as, Ref: DC/23/131737, DC/23/131738, DC/23/131739, and DC/23/131740. Granted 06/06/2023.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 17 The proposal is to refurbish external cladding, replacement of windows, doors, balconies, screens, and roof finishes.
- 18 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

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19 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.

20 It should be noted the following items are assessed and approved under Lawful Development Certificate application on 06/06/2023.

- Replacement of existing windows to match existing structural openings, material, colour and frame size.
- Replace existing roof system and deck substrate
- Replace ground floor store room doors to match existing

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

21 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

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

23 47 letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 13/03/2023.

24 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 92]
The proposal is contrary with Policy C1.8 of Core Strategy Objective 5 of the Local Implementation Plan 2011-2030	[para 92 and 93]
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 70]
Potential of amenity impact with change balustrade design, particularly in the lower levels	[para 84]
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 61]

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4.2.2 Non material planning consideration comments

- 25 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.
- 26 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.
- 27 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.
- 28 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.
- 29 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

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

4.4 EXTERNAL CONSULTATION

- 34 The following external consultees were notified on 13/03/2023:
- 35 Fire Brigade: raised no objection, but made recommendations, please see below
- 36 Health and Safety Executive (HSE): satisfied with the fire safety design

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5 POLICY CONTEXT

5.1 LEGISLATION

37 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

38 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.

39 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.

40 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

41 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

42 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

43 London Plan SPG/SPD:

- Energy Assessment Guidance (October 2018)

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6 PLANNING CONSIDERATIONS

44 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

45 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.

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.

Policy

47 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

48 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.

49 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.

50 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

51 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.

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- 52 The existing cladding is predominantly brick clad with the exposed party walls on the external façade painted white to delineate apartments.
- 53 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
- 54 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.
- 55 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**
- 56 The existing roof is poorly insulated and finished in mineral felt.
- 57 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.
- 58 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**
- 59 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.
- 60 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.
- 61 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

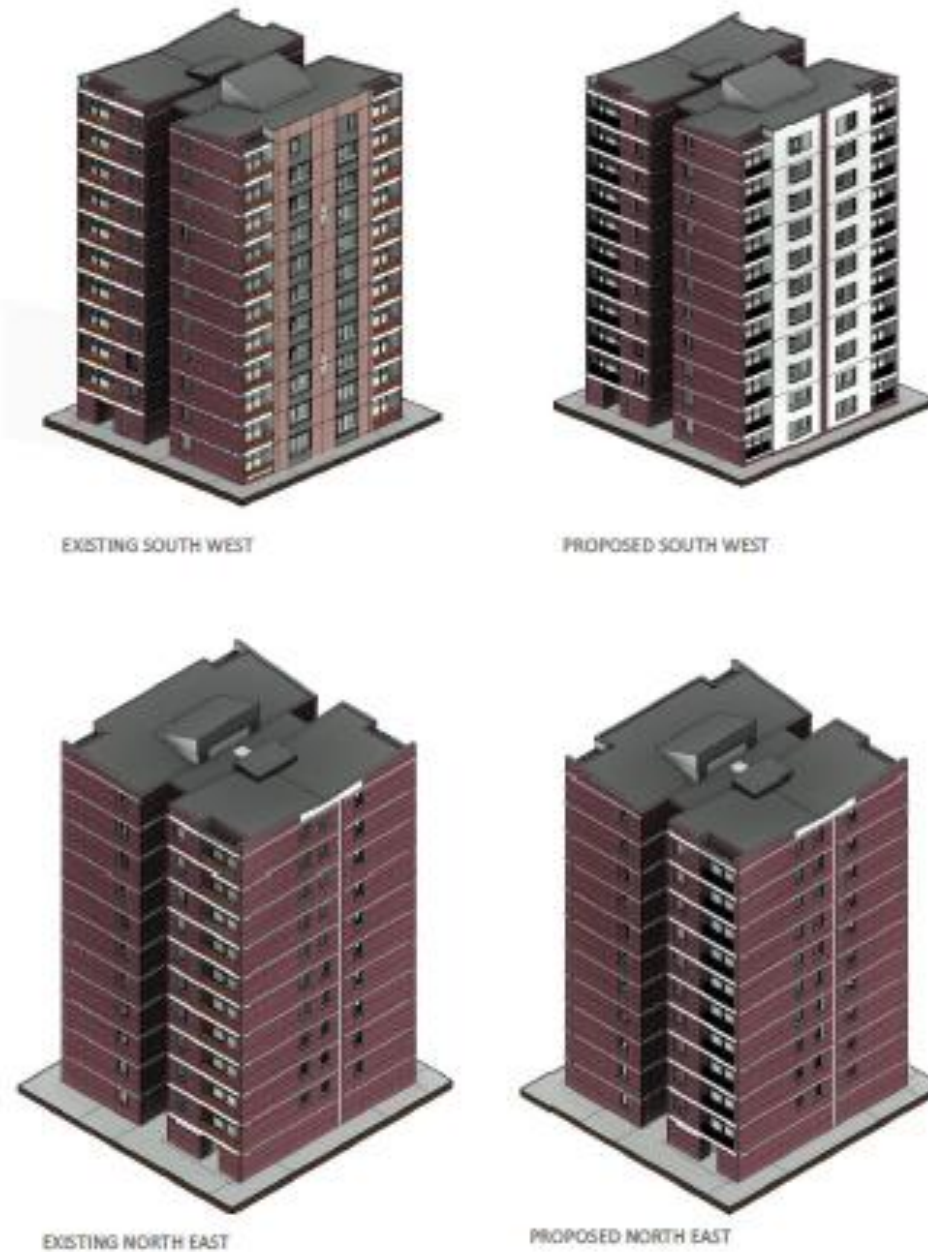
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are of good quality and would be similar to those use on many residential buildings and are considered unobjectionable. The new double-glazed windows would improve the building's performance in terms of energy efficiency, and sound isolation, and are supported.

Figure 2 Existing and proposed South West and North East



6.2.4 Replacement of Doors and Screens

- 62 The doors to the communal areas would receive coloured paint finish to match the main ground floor entrance, the colour is not confirmed yet.
- 63 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

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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.

- 64 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.
- 65 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.
- 66 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.
- 67 The proposed doors and screens 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

- 68 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.
- 69 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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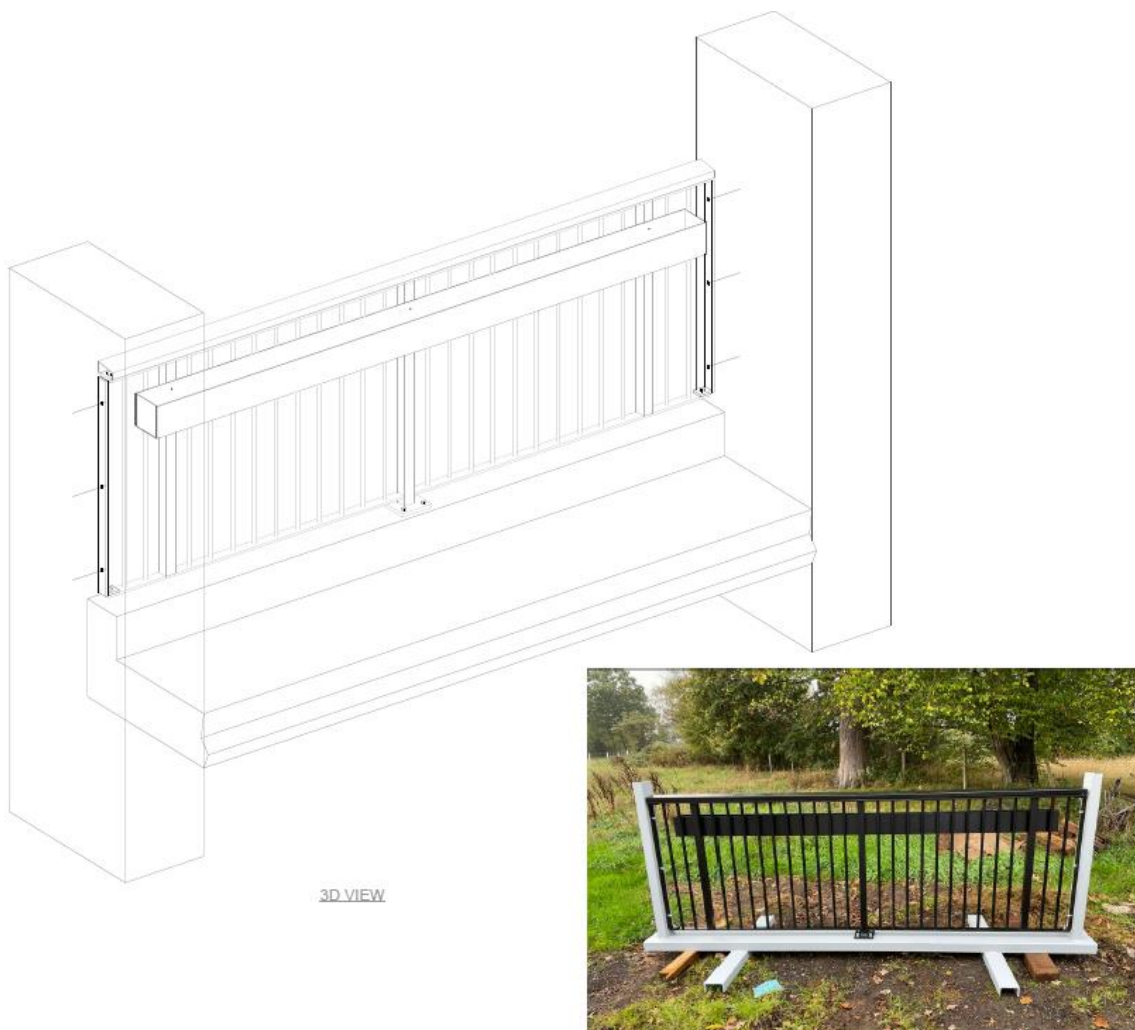
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70 Objections were received regarding the change of existing timber balustrades with metal railings. It is noted that timber balustrades at balconies of all of the five towers in this area are considered as an original character of these buildings. 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.

71 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

72 Current ground floor landscaping remains as existing.

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6.2.7 Urban Design: Conclusion

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

6.3 TRANSPORT IMPACT

General policy

74 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.

75 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

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

Discussion

77 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.

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

79 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.

80 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

81 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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82 CP15, DMP31(c) and the provisions of the Alterations and Extensions SPD are relevant.

Discussion

83 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.

84 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.

85 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

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

6.5 SUSTAINABLE DEVELOPMENT

General Policy

87 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.

88 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

89 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.

90 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

- 91 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

- 92 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.
- 93 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 Sustainable development conclusion

- 94 The development is considered to be compliant with the relevant national, regional and local policies, relevant to sustainable infrastructure.

6.6 Fire Safety

General Policy

- 95 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

- 96 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.
- 97 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.
- 98 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

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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.

99 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.

6.6.1 Conclusion

100 London Fire Brigade were consulted and raised no objections to the proposal. The proposed alteration of materials and related measures are considered to improve the fire safety aspects of the building and are considered acceptable and a planning merit of the scheme.

101 The Health and Safety Executive (HSE) have also been consulted and have stated that: *Following a review of the information provided in the planning application, HSE is satisfied with the fire safety design relating to the project description, to the extent that it affects land use planning considerations.*

7 LOCAL FINANCE CONSIDERATIONS

102 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).

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

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

8 EQUALITIES CONSIDERATIONS

105 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.

106 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.

- 107 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.
- 108 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>
- 109 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
- 110 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>
- 111 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

- 112 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

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- 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

113 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.

114 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.

115 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

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

117 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.

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

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

11 RECOMMENDATION

120 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.

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

2) **APPROVED PLANS**

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

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 other than removal, and preparatory works to remove, combustible cladding and elements of other materials etc that pose a fire risk 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

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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.

12 BACKGROUND PAPERS

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

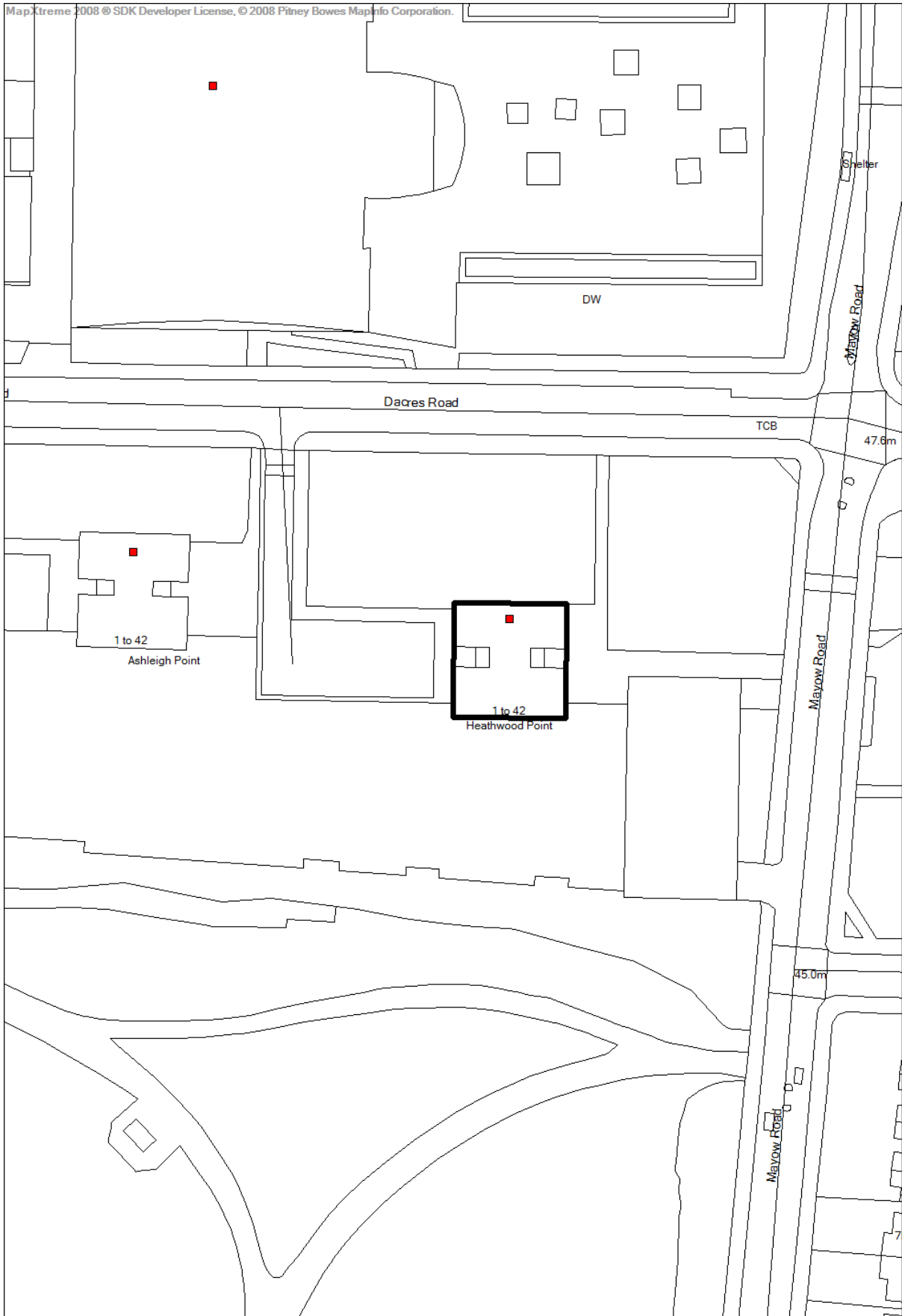
13 REPORT AUTHOR AND CONTACT

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

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Planning Committee B

Report title:

ROSEMOUNT POINT, DACRES ROAD, LONDON, SE23 2BW

Date: 29 June 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.

Transport

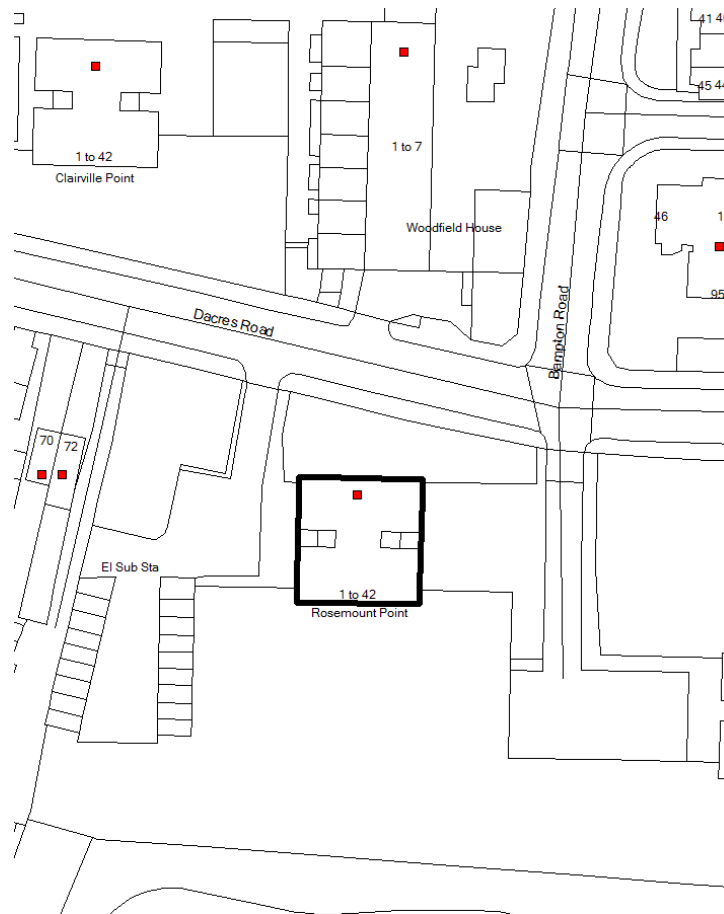
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- 7 The application site has a PTAL rate of 2. Sydenham station is 0.7 mile away (14 minutes walking) from the site, and several bus stops are within 5 minutes walking distance of the application site serving routes 356, 75, 122, 126, and 197.

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 **DC/23/131738** - Application for a Lawful Development Certificate (Proposed) submitted under Section 192 of the Town & Country Planning Act 1990 (as amended) to confirm whether the replacement of existing windows, roof system and deck substrate and the ground floor store room doors would be considered development as defined under Section (55) of the Town and Country Planning Act 1990 (as amended) at ROSEMOUNT POINT, DACRES ROAD, LONDON, SE23 2BW. Granted 06/06/2023.

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- 12 The following applications are related to the other towers in this group, that are subject of a similar proposal.
- 13 **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
- 14 **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
- 15 **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.
- 16 **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.
- 17 A series of planning applications under Lawful development (Proposed) with similar proposal related to the other towers in this area are recorded as, Ref: DC/23/131737, DC/23/131739, DC/23/131740, and DC/23/131741. Granted 06/06/2023.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

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

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- structural remediation and decoration work to existing: Brickwork and Concrete facing elements

20 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.

21 It should be noted the following items are assessed and approved under Lawful Development Certificate application on 06/06/2023.

- Replacement of existing windows to match existing structural openings, material, colour and frame size.
- Replace existing roof system and deck substrate
- Replace ground floor store room doors to match existing

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

22 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

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

24 64 letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 13/03/2023.

25 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 94]
The proposal is contrary with Policy C1.8 of Core Strategy Objective 5 of the Local Implementation Plan 2011-2030	[para 93 and 94]
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 71
Potential of amenity impact with change balustrade design, particularly in the lower levels	para 85
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 62

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4.2.2 Non material planning consideration comments

- 26 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.
- 27 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.
- 28 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.
- 29 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.
- 30 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

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

4.4 EXTERNAL CONSULTATION

- 35 The following External Consultees were notified on 13/03/2023:
- 36 Fire Brigade: raised no objection, but made recommendations, please see below.
- 37 Health and Safety Executive (HSE): satisfied with the fire safety design

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5 POLICY CONTEXT

5.1 LEGISLATION

38 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

39 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.

40 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.

41 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

42 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

43 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

44 London Plan SPG/SPD:

- Energy Assessment Guidance (October 2018)

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6 PLANNING CONSIDERATIONS

45 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

46 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.

47 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

48 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

49 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.

50 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.

51 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

52 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.

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- 53 The existing cladding is predominantly brick clad with the exposed party walls on the external façade painted white to delineate apartments.
- 54 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
- 55 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.
- 56 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**
- 57 The existing roof is poorly insulated and finished in mineral felt.
- 58 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.
- 59 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**
- 60 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.
- 61 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.

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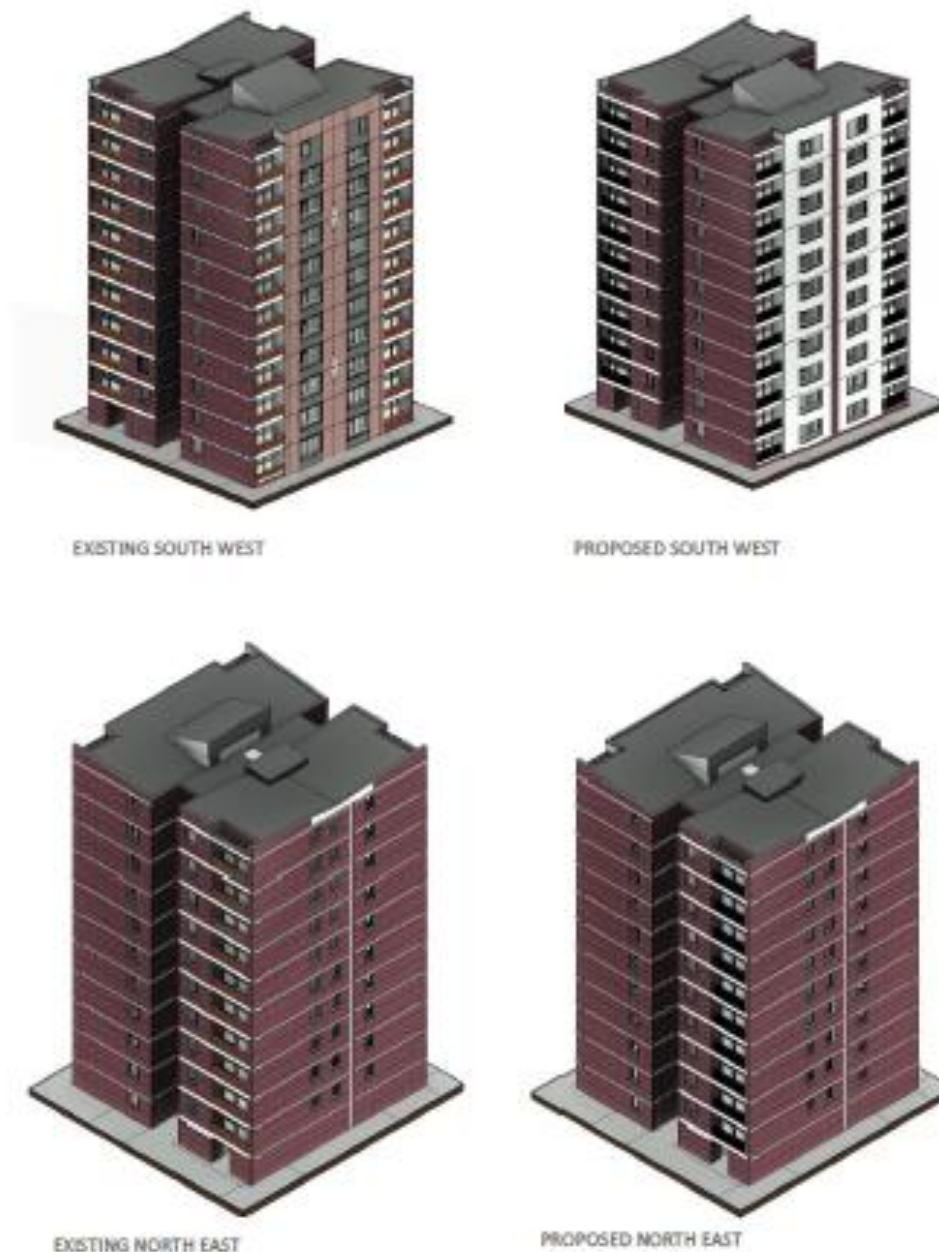
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62

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.

Figure 2 Existing and proposed South West and North East



6.2.4 Replacement of Doors and Screens

63

The doors to the communal areas would receive coloured paint finish to match the main ground floor entrance, the colour is not confirmed yet.

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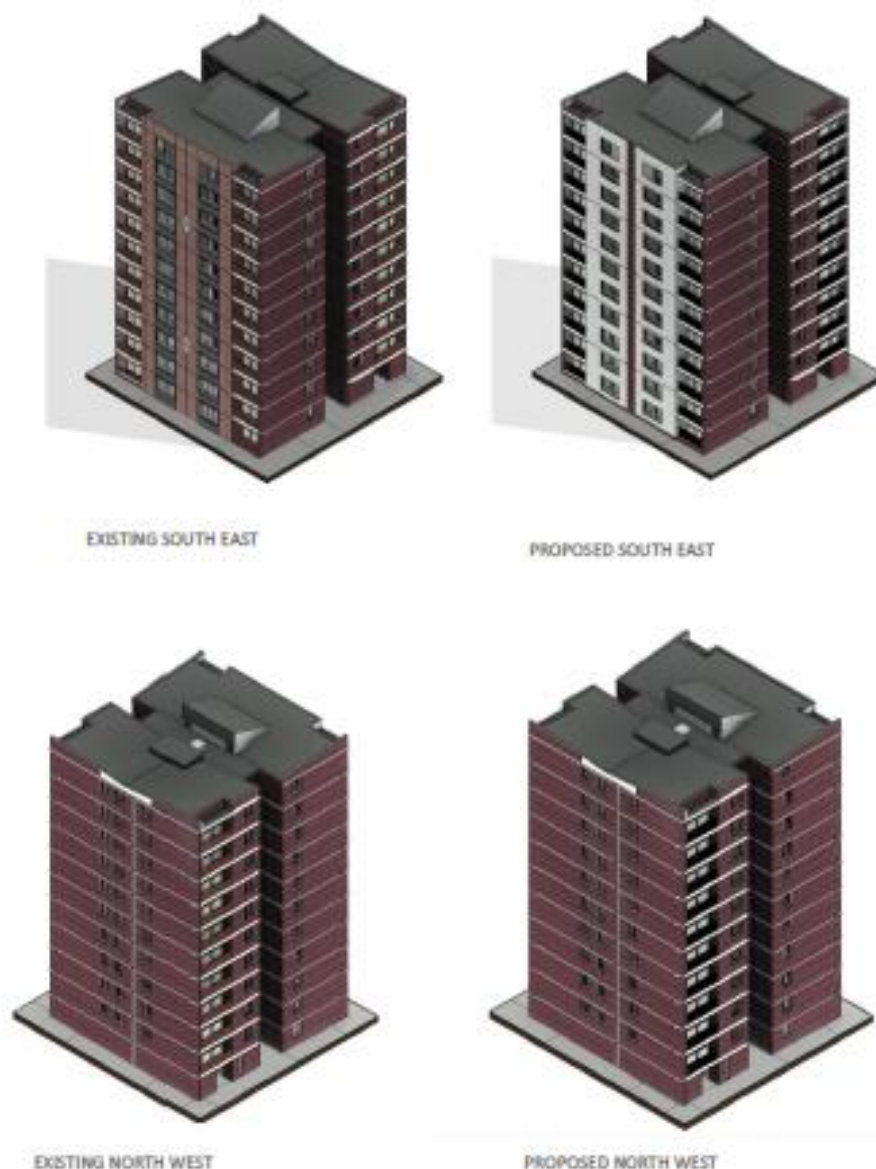
- 64 Across the Dacres Estates there have been ongoing issues in relation to the fire safety and security of the doors to resident storage areas. The main existing dual sided access via intercom to ground floor entrance lobby would be replaced with new polyester powder coated aluminium entrance doors 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.
- 65 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.
- 66 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.
- 67 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.
- 68 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

- 69 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.
- 70 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.
- 71 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

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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.

- 72 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

- 73 Current ground floor landscaping remains as existing.

6.2.7 Urban Design Conclusion

- 74 Given above, the proposed works are considered to be acceptable and in keeping with the appearance of the building.

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6.3 TRANSPORT IMPACT

General policy

75 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.

76 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

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

Discussion

78 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.

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

80 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.

81 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

82 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

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

Discussion

84 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

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properties would be negligible. Noise and disruption from the works phase are likely, given the proximity to other existing residential units.

- 85 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 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.
- 86 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

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

6.5 SUSTAINABLE DEVELOPMENT

General Policy

- 88 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.
- 89 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

- 90 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.
- 91 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

- 92 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

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93 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.

94 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 Sustainable development conclusion

95 The development is considered to be compliant with the relevant national, regional and local policies, relevant to sustainable infrastructure.

6.6 Fire Safety

General Policy

96 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

97 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.

98 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.

99 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.

100 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.

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6.6.1 Fire Safety: Conclusion

- 101 London Fire Brigade were consulted and raised no objections to the proposal. The proposed alteration of materials and related measures are considered to improve the fire safety aspects of the building and are considered acceptable and a planning merit of the scheme.
- 102 The Health and Safety Executive (HSE) have also been consulted and have stated that: *Following a review of the information provided in the planning application, HSE is satisfied with the fire safety design relating to the project description, to the extent that it affects land use planning considerations.*

7 LOCAL FINANCE CONSIDERATIONS

- 103 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).
- 104 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 105 In this instance, the proposal is to upgrade the building by alterations and refurbishment. Therefore, CIL is not a material consideration.

8 EQUALITIES CONSIDERATIONS

- 106 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.
- 107 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.
- 108 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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- 109 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>
- 110 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
- 111 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>
- 112 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

- 113 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
- 114 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.

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- 115 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.
- 116 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.

10 CONCLUSION

- 117 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 118 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.
- 119 The proposal would not have any adverse impact on the transportation network, subject to the condition related to CLMP.
- 120 In light of the above, the application is recommended for approval, subject to the schedule of conditions set out below.

11 RECOMMENDATION

- 121 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;

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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;
02 - Rosemount Balustrade - Designed and Supplied;
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).

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5) SCHEDULE OF MATERIALS

a) No development other than removal, and preparatory works to remove, combustible cladding and elements of other materials etc that pose a fire risk 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.
- 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

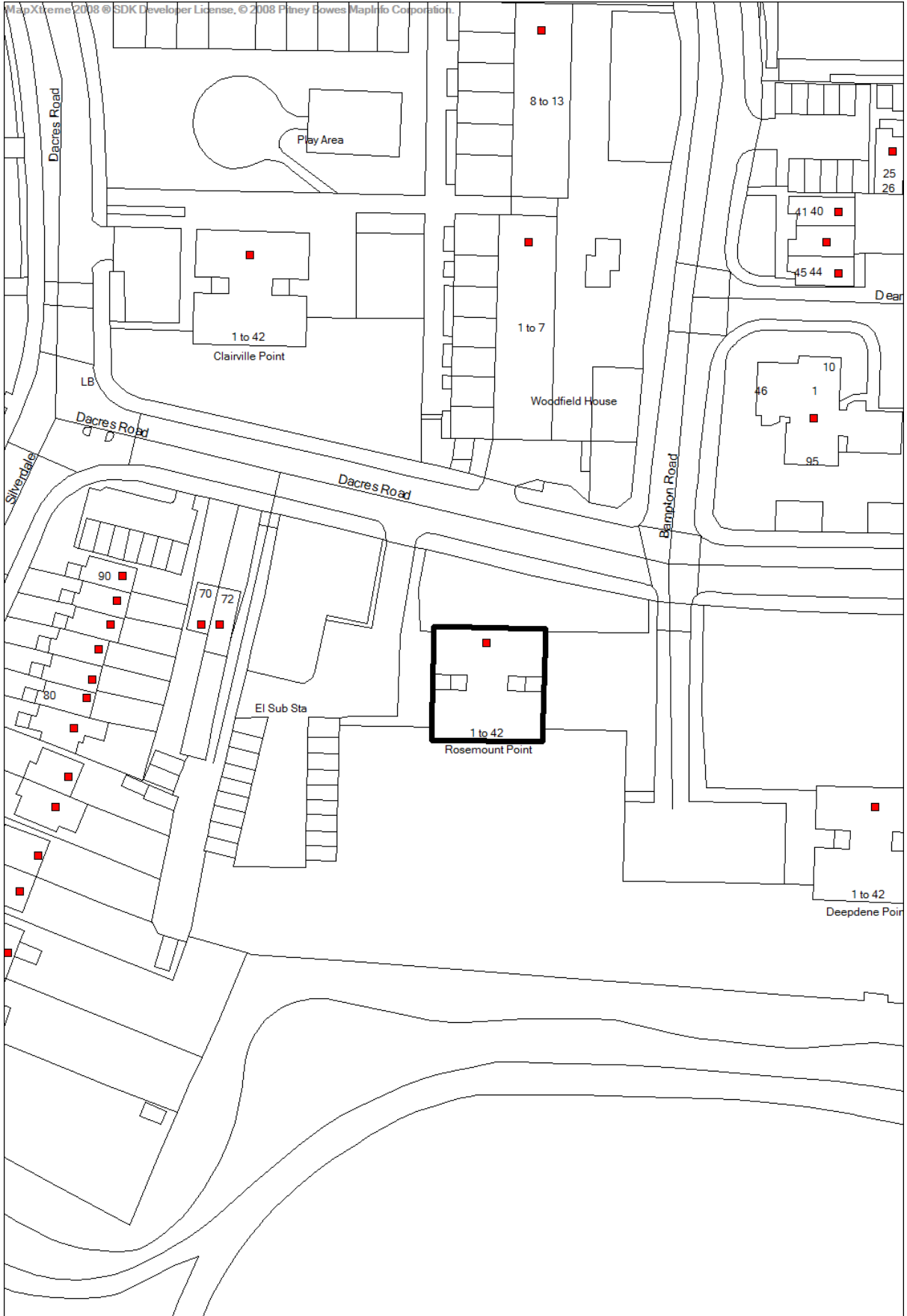
13 REPORT AUTHOR AND CONTACT

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

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of the Local Government Act 1972.

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