



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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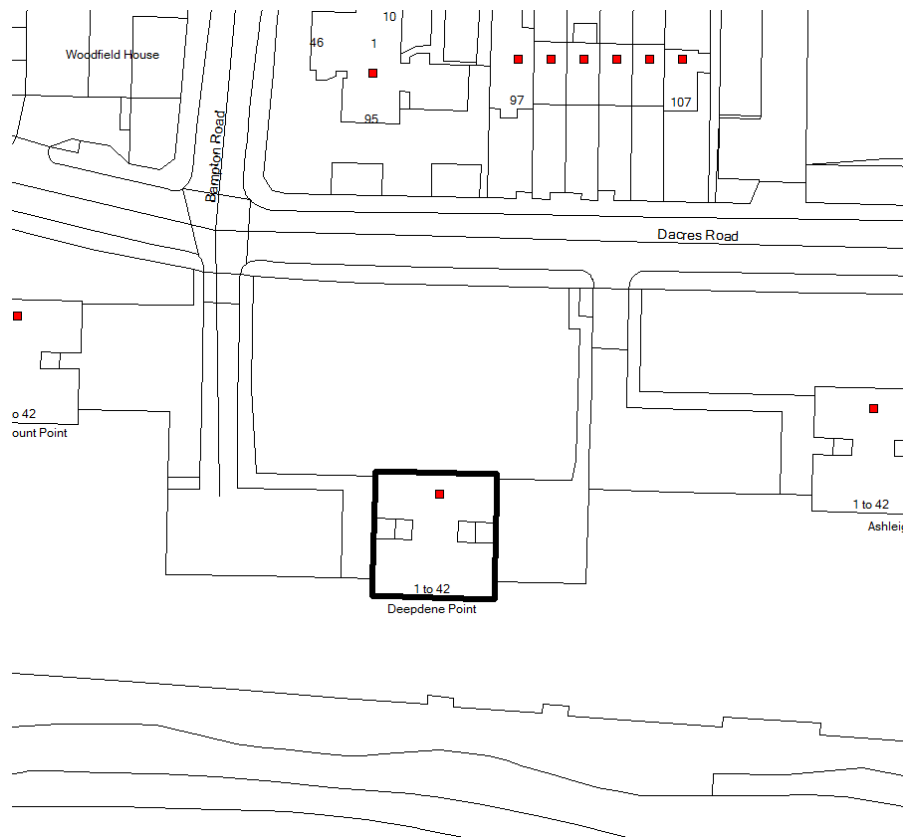
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Transport

- 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

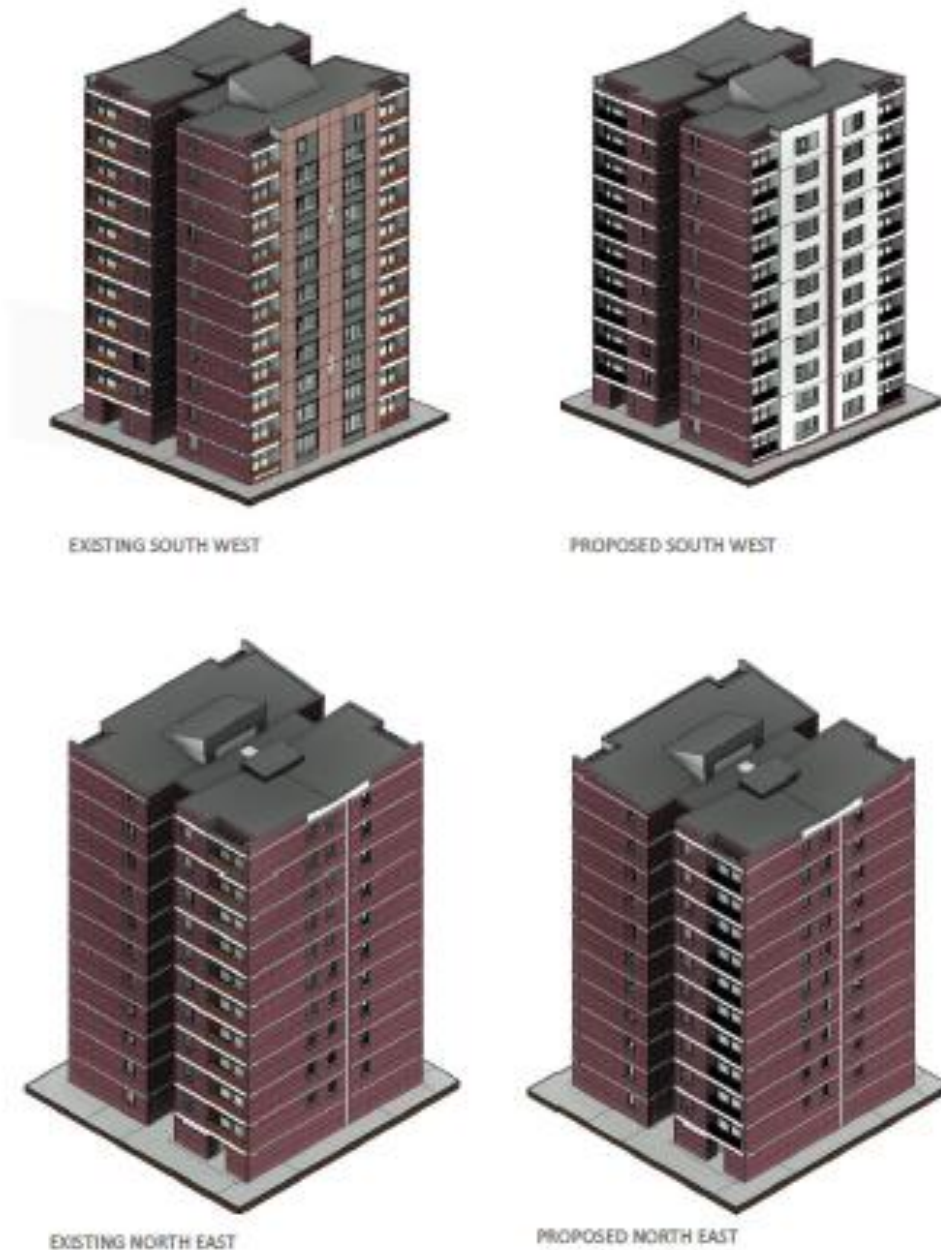
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are of good quality and would be similar to these use on many residential buildings and are considered unobjectionable. The new double-glazed windows would improve the building's performance in terms of energy efficiency, and sound isolation, and are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

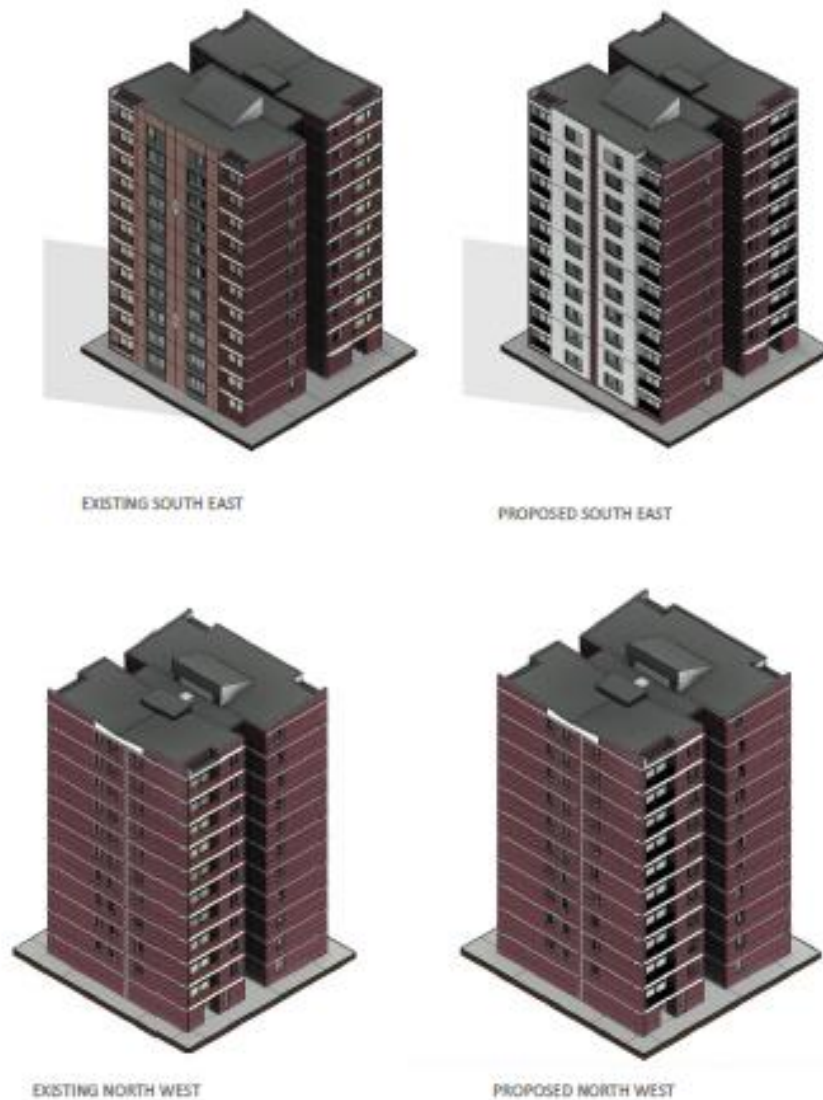
- 64 The doors to the flats would be new Rehau residential uPVC doors finished in white glazing (28mm Sealed Units) and multipoint locking mechanism to achieve the requirements of BS EN12608:2016.
- 65 New external glazed timber screens and doors to the central access core are proposed to ensure compliance 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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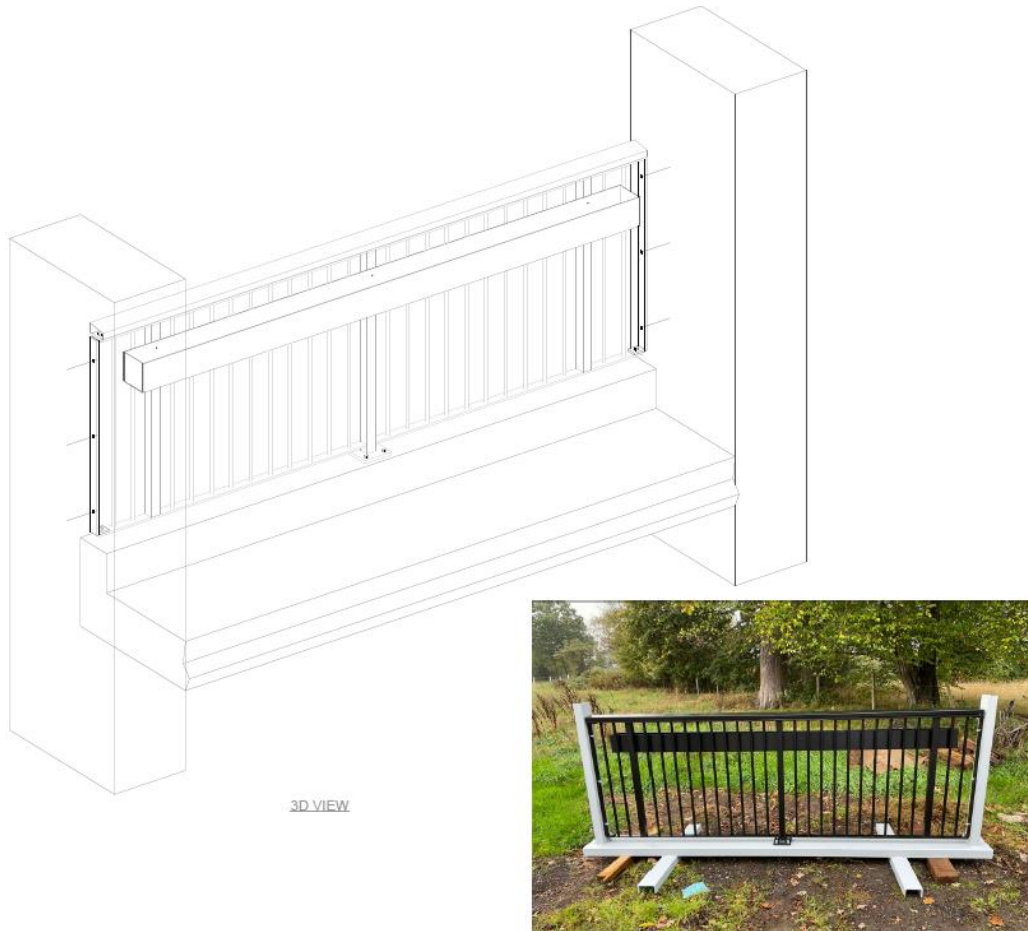
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regarding fire safety, timber balustrades for high rise buildings such as this tower, are no longer supported.

- 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

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