

Committee	PLANNING COMMITTEE C	
Report Title	239 LEWISHAM WAY, LONDON, SE4 1XF	
Ward	BROCKLEY	
Contributors	Russell Brown	
Class	PART 1	23rd November 2017

<u>Reg. Nos.</u>	DC/17/102944
<u>Application dated</u>	02.08.2017
<u>Applicant</u>	Hexagon Housing Association Ltd
<u>Proposal</u>	Details of cleaning methodology (including demonstration sample panel) submitted in compliance with Conditions (2) & (3) of the Listed Building Consent dated 23rd October 2014 (ref. DC/14/88548) for the cleaning of the exterior of the building at 239 Lewisham Way, SE4.
<u>Applicant's Plan Nos.</u>	6368-15-01a; 6368-15-02a; 6368-15-03a; Method Statement for Stone Cleaning; Scaffolding Calculation Sheet; DOFF Machine Brochure Received 17th August 2017
<u>Background Papers</u>	(1) Case File DE/110/239/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) London Plan (March 2016)
<u>Designation</u>	St John's Conservation Area
<u>Screening</u>	N/A

1.0 Property/Site Description

1.1 The application site is on the north east side of Lewisham Way at the junction with Friendly Street, opposite Wickham Road and comprises a former Barclay's Bank building, which is Grade II listed (LEN: 1253066). It was designed in 1885 and constructed in 1886 for London and South West Bank Ltd. It is of red brick and buff terracotta in a baronial style, a rectangular corner building of two narrow bays to front and three and half bays to side, three storeys and attic. It has been converted into flats.

1.2 The listing description is as follows:

Former bank premises, now converted to flats; designed in 1885 and built in about 1886 by J and J S Edmeston for the London and South West Bank Ltd. Red brick and buff terracotta in a baronial style, a rectangular corner building of two narrow bays to front and three and

half bays to side, three storeys and attic. Ground-floor entirely clad in buff terracotta with projecting base, falling with slope of Friendly Street to side. Pilaster strips ascend to first floor, where form arcade with voussoirs set into a plain band in the manner of a Gibbs surround. Broad sill band under second floor, from which sprout bartizans. Heavily-modelled modillion cornice below parapet, gable and dormers. Single gable to Lewisham Way with pair of dormers to Friendly Street, all with inverted volutes and much ornamentation in the Serlian manner. Smaller dormer behind parapet with hipped slate roof and iron cresting. Terracotta copings to gables and dormers, whilst the bartizans are finished with terracotta spirelets. All windows are casements with mullions and transoms set in terracotta architrave surrounds with banded decoration. Projecting terracotta porch with ornamented pediment, and frieze bearing epitet 'BANK', supported on extended openwork consoles. Second floor has 'BANK BUILDINGS' inscribed into cut-brick cartouche. Area railings to Friendly Street. Interior not inspected.

- 1.3 It is located diagonally opposite 170-186 Lewisham Way, which are Grade II listed buildings in the Brockley Conservation Area. It is also located within the St John's Conservation Area.

2.0 Relevant Planning History

- 2.1 DC/14/88548: Listed Building Consent for the cleaning of the exterior of the building at 239 Lewisham Way, SE4. **Granted.**

- 2.2 DC/15/90890: Details of cleaning methodology (including demonstration sample panel) submitted in compliance with Conditions (2) & (3) of the Listed Building Consent dated 23rd October 2014 (ref. DC/14/88548) for the cleaning of the exterior of the building at 239 Lewisham Way, SE4. **Refused for the following reasons:**

- 1. The proposed access method for scaffolding, involving securing the scaffold to the fabric of the building, would cause material damage to the historic fabric of the property, contrary to Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy 7.8 of the London Plan (March 2015) and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan.**
- 2. Insufficient details of the cleaning agents for the cleaning of the listed building have been submitted to enable the local planning authority to assess their effect on the fabric of the Listed building. The effect of the high pressure spray and the proposed cleaning agents has not been demonstrated in sample areas, as required by Condition (3) so as to enable the local planning authority to assess the effect on the fabric of the Listed building, contrary to Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy 7.8 of the London Plan (March 2015) and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their**

setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan.

- 2.3 DC/16/098370: Details of cleaning methodology (including demonstration sample panel) submitted in compliance with Conditions (2) & (3) of the Listed Building Consent dated 23rd October 2014 (ref. DC/14/88548) for the cleaning of the exterior of the building at 239 Lewisham Way, SE4. **Refused for the following reasons:**
- 1. The application fails to demonstrate that the method of securing scaffolding to the listed building would not cause substantial damage to its historic fabric, contrary to Policy 7.8 of the London Plan (March 2016), Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).**
 - 2. Insufficient details of the cleaning methods for each of the different materials on the listed building have been submitted and have not been fully demonstrated on site in order to enable the local planning authority to assess their effect on its historic fabric, contrary to Policy 7.8 of the London Plan (March 2016), Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).**
- 2.4 DC/17/101108: Details of cleaning methodology (including demonstration sample panel) submitted in compliance with Conditions (2) & (3) of the Listed Building Consent dated 23rd October 2014 (ref. DC/14/88548) for the cleaning of the exterior of the building at 239 Lewisham Way, SE4. **Refused because insufficient details of the cleaning methods for each of the different materials on the listed building have been submitted and have not been fully demonstrated on site in order to enable the local planning authority to assess their effect on its historic fabric, contrary to Policy 7.8 of the London Plan (March 2015, as further altered in March 2016), Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).**

3.0 Current Planning Application

- 3.1 An application has been submitted for approval of Conditions (2) and (3) relating to a Cleaning Method Statement and sample panels of brickwork, stone and terracotta in relation to the Listed Building Consent (ref. DC/14/88548) for the cleaning of the exterior of the Grade II listed building.

3.2 Conditions (2) and (3) state:

(2) No works of cleaning shall take place until a Cleaning Method Statement providing full particulars of the approach and methods to be used including the access method (including how any scaffolding is to be fixed), the proposed solvent(s) (water or other), any use of pressure, any abrasive agents, the brand name and chemical composition of any cleaning agents to be used and the hand tools and techniques to be applied, has been submitted to and approved in writing by the local planning authority. The works shall be carried out in full compliance with the approved details.

Reason: To ensure compliance with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy 7.8 of the London Plan (July 2011)

(3) No cleaning works on the building shall take place until sample panels demonstrating the effects of the cleaning system proposed has been approved in writing by the local planning authority. The sample panels should consist of two areas of 1 metre square which include a selection of brickwork, stone and terracotta elements. One should be left untreated and one treated with the system(s) and method(s) proposed.

Reason: To ensure compliance with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy 7.8 of the London Plan (July 2011)

4.0 Consultation

4.1 No consultation is required for this type of application.

4.2 However, an objection was received from the Brockley Society as follows:

- The suitability of the proposed cleaning methodology has not been adequately demonstrated and could irreversibly damage the heritage asset.
- The approach has not materially changed with each subsequent submission following repeated refusals.
- The information submitted does not set out an understanding of the type of soiling, the nature of the terracotta and brickwork, variations in surface texture, hardness and porosity, the existing areas of damage or the effect of weathering on the materials and their mortar joints.
- The methodology should start hand cleaning with non-ionic detergents, warm water and soft natural or nylon bristle brushes. Chemical or abrasive cleaning methods must only be considered once the former have been tested.
- Upon inspection of the completed test panel, the terracotta cladding has already sustained some damage caused by the trial cleaning.
- The scaffold fixing is inappropriate and would cause unnecessary harm to the façade. The use of a cherry picker would be a more suitable solution.
- The proposed contractor's experience is not evident in the submission.

5.0 Policy Context

Introduction

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
- (a) the provisions of the development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

A local finance consideration means:

- (a) 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
 - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).
- 5.2 Section 38(6) of the Planning Compulsory Purchase Act 2004 makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), DMLP (adopted in November 2014) and policies in the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

- 5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states that (paragraph 211) policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 5.4 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

Other National Guidance

- 5.5 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

London Plan (March 2016)

- 5.6 On 14 March 2016 the London Plan was adopted. The policy relevant to this application is:

Policy 7.8 Heritage assets and archaeology

Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Plan

- 5.8 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Core Strategy and the London Plan is the borough's statutory development plan. The following policies are relevant to this application:-

DM Policy 1 Presumption in favour of sustainable development
DM Policy 30 Urban design and local character
DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

6.0 Planning Considerations

- 6.1 The only relevant planning consideration is to whether the submitted information complies with the requirements of each condition.
- 6.2 Officers recognise that, whilst the proposed cleaning would improve the appearance and restore the character of the listed building, it must be done using appropriate non-abrasive methods in order not to damage the exterior and detailing of this important heritage asset.
- 6.3 The Cleaning Method Statement is considered to be acceptable as it gives sufficient information on how the differing materials would be treated, how the scaffolding is to be fixed, the proposed cleaning method, protection measures and the tools used. This has been reviewed and approved by the Council's Conservation Officer.
- 6.4 The scaffolding would be secured using reveal ties with timber spreaders to the window reveals with an adjustable jack one side and base plate to the other side, and lip ties with protection materials such as bubblewrap to the top parapet. This proposed method of working is considered acceptable by Officers
- 6.5 In order to clean the stonework, which is the terracotta, the DOFF system (A steam based cleaning system) is proposed to be used. This is a gentle, rather than an abrasive system that uses low pressure hot water / steam in order to clean. Whilst the temperature in the system is very high, the pressure on the

actual surface of the material is very gentle and the volume of water being used would be minimal.

- 6.6 The only tool that is to be used is a bristle brush in conjunction with fine water spray for the soft red brickwork on the 'Bank Buildings' panel. This is in order to remove the staining caused by pigeon guano. No objection is raised to this proposed method of work.
- 6.7 For the yellow stock brickwork, it has been agreed that only the small area underneath and to the sides of the hopper to the rear elevation would be cleaned of algae caused by the hopper overflowing. This would be done using the DOFF system, which is considered acceptable as it is more robust and durable than the red rubber brickwork.
- 6.8 Officers consider that it is worth noting that the contractor, Purple Rhino, is an approved Stonehealth Ltd contractor, who are approved to use the DOFF system. This means that Purple Rhino have been through their training programme and are using the equipment effectively. In addition, at the commencement of the work, the work shall be overseen by an RICS accredited conservation surveyor to ensure that the works are being carried out strictly in accordance with the method statement and without damaging the fabric of the building.
- 6.9 As such, the documents submitted are considered to meet the requirements of Condition (2).
- 6.10 In relation to Condition (3), when Officers visited the site, they were satisfied that the test of the cleaning system on the buff cream terracotta demonstrated that no harm was caused to the listed building. Officers also confirm that no erosion or damage took place as a result of the works and the existing condition of the lime mortar joints did not change. Furthermore, the use of steam means that the terracotta would dry rapidly to stop any moisture being trapped, preventing any long-term damage.
- 6.11 Given that the staining to and lichen growth on the yellow stock brickwork is limited to a small area behind the downpipe to the rear of the building, Officers are prepared to wait until the scaffolding has been erected for this to be cleaned in the presence of Planning and / or Conservation Officers. An informative is recommended to be added to this effect.
- 6.12 Therefore, on the basis of the details submitted, the Council's Conservation Officer has recommended that both of these conditions are discharged.

Equalities Considerations

- 6.13 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.
- 6.14 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;

- (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
 - (c) Foster good relations between people who share a protected characteristic and persons who do not share it.
- 6.15 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.
- 6.16 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: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 6.17 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 6.18 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: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>
- 6.19 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.

Human Rights Act

- 6.20 This application is not considered to have any Human Rights Act implications.

Conclusion

- 7.0 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development

Management Local Plan (2014), the Core Strategy (2011), London Plan (March 2016) and the National Planning Policy Framework (2012).

8.0 In summary, it is considered that the application to discharge these conditions is acceptable.

9.0 RECOMMENDATION: APPROVE THE DETAILS

Informatives

The applicant is advised that all of the conditions relating to the Listed Building Consent (DC/14/88548) have now been discharged.

The applicant is advised that any cleaning of the yellow London stock brickwork shall only take place once the scaffolding has been erected and in the presence of Lewisham Council Officers.