

# STRATEGIC PLANNING COMMITTEE

Date of Meeting: **THURSDAY, 6 OCTOBER 2022 TIME 7.00 PM**

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

Members of the Committee are summoned to attend this meeting:

**Membership  
Councillors:**

**Suzannah Clarke (Chair)  
John Paschoud (Vice-Chair)  
Peter Bernards  
Will Cooper  
Mark Ingleby  
Louise Krupski  
Jack Lavery  
Jacq Paschoud  
Aliya Sheikh  
James-J Walsh**

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.

**Kim Wright  
Chief Executive  
Lewisham Town Hall  
London SE6 4RU  
Date: 28 September 2022**

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Committee	STRATEGIC PLANNING COMMITTEE	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 6 October 2022

### MINUTES

To approve the minutes of the meeting of the Strategic Planning Committee held on the 1 September 2022.

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## LEWISHAM COUNCIL STRATEGIC PLANNING COMMITTEE THURSDAY 1 SEPTEMBER 2022 AT 7PM MINUTES

IN ATTENDANCE: Councillors: Suzannah Clarke (Chair), John Paschoud (Vice-Chair), Peter Bernards, Will Cooper, Mark Ingleby, Jack Lavery, Jacq Paschoud, Aliya Sheikh and James-J Walsh.

**MEMBER OF THE COMMITTEE JOINING THE MEETING VIRTUALLY** None.

**ALSO PRESENT UNDER STANDING ORDERS:** Councillor Rosie Parry

**APOLOGIES FOR ABSENCE** Councillor Louise Krupski.

NB: Those Councillors listed as joining virtually were not in attendance for the purposes of the meeting being quorate, any decisions taken, or to satisfy the requirements of s85 Local Government Act 1972.

### **OFFICERS PRESENT:**

Emma Talbot - Director of Planning

Michael Forrester – Head of Development Management

Geoff Whittington – Principal Planning Officer

Jeremy Chambers - Director of Law, Governance and Elections

Paula Young - Senior Planning Lawyer.

Clare Weaser – Clerk

### **ATTENDING VIRTUALLY:**

Aiden Cosgrave - Delva Patman Redler LLP – The Council's adviser on sunlight/daylight

### **Item No.**

#### **1 Minutes**

The Chair referred to paragraph 3.24 of the minutes. She said that it should be amended to read 'The proposal would use evergreens in the 5 metre height range. With this amendment it was:

RESOLVED that the minutes of the meeting of Strategic Planning Committee held on 13 July 2022 be confirmed and signed as an accurate record.

#### **2 Declarations of Interest**

None.

### **3 Sun Wharf, Creekside SE8**

- 3.1 The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for the demolition of all existing buildings and comprehensive redevelopment to provide 3 new buildings ranging in heights of 3 to 19 storeys to provide 220 residential units (C3 Use Class) and 1,132sqm of commercial floor space (Use Class E) plus 311sqm of commercial floor space (Use Class E) in a container building, together with associated wheelchair accessible vehicle parking, cycle parking, landscaping, play areas, public realm, improvements to river wall and public riverside walkway and associated works at Sun Wharf, Creekside SE8
- 3.2. The Committee noted the report and that the main issues were:
- Principle of Development
  - Housing
  - Employment
  - Urban Design and Impact on Heritage Assets
  - Transport Impact
  - Living Conditions of Neighbours
  - Sustainable Development
  - Natural Environment
  - Public Health, Well-being and Safety
  - Environmental Impact Assessment
  - Planning Obligations
- 3.3 Following questions from members, the following points were discussed.
- The container building would be in place for some time, it was not a temporary structure
  - There was demand for commercial property space, but there would be a condition which required details of the marketing strategy.
  - There was a request for more detailed information regarding the impact of sunlight and daylight and the detriment it would have on neighbouring residences.
- 3.4 The Principal Planning Officer said that sunlight/daylight had been an issue throughout this application and one of the main reason for residents' objections. Block B2 was in close proximity to the Kent Wharf development; a distance of 20 metres. Some neighbours would be severely affected. A plan of the blocks mostly affected by the development was shown. In an effort to explain the severe harmful effects that the development would have on those residents and how many households would be affected, the Council's adviser on sunlight/daylight was asked for a detailed explanation.
- 3.5 Mr Cosgrave was then asked for more information regarding the level of effect of sunlight/daylight on residents and the number affected. He said that the applicant had updated their analysis and a report was produced on 25 February 2022. The report set out the number of window/rooms in the

various blocks that would be affected by the development. Out of 553 window in Kent Wharf, 482 would be impacted within the BRE guidelines for vertical sky components. 71 windows would be impacted to a greater degree than the BRE would normally recommend. Of those, 19 would have a minor impact, 24 moderate and 28 major magnitude impact. The second daylight test looked at how much of the room could have a view of sky. Out of 407 rooms tested, 376 were within the guidelines, 31 were outside these guidelines. Of those 31, 9 had minor, 7 moderate and 15 major magnitude impact on daylight. The applicant had then addressed sunlight; out of 139 windows, 118 impacted within the guidelines. Of the remainder, 17 would have adverse impacts to annual sunlight, 14 would have adverse impacts on winter sunlight. Mr Cosgrave used this information to calculate the major adverse impacts on the number of homes. There were 26 flats with major adverse vertical sky components impacts and 15 flats with a major adverse impact adverse sunlight effect.

3.6 Following this information, the following points were raised.

- 55% of the units would be dual aspect, 45% single. An assessment had been made to the sunlight/daylight to those units and would be acceptable with the surrounding development. The minimum pre requirement would be achieved. Single aspect units would not be north facing.
- Visuals were shown of the blocks where there would be major adverse harm.
- There was a question about the 26 flats with major adverse impact. They were located over 4 blocks. The flats that would have adverse impact on the windows to the major or only living space, included 9 in Broadside House; 3 were on each of the ground, first and second floors. A floor plan of Broadside was shown. In summary, there would be adverse impact of sunlight for 21 kitchen/dining rooms.

### **Applicant**

3.7 The agent and applicant addressed the Committee. Mr Murrell said that Peabody and Bellway had a long history of providing affordable housing in Lewisham and took great care to ensure their schemes were well designed and integrated into local communities. Since 2015, they had worked with Lewisham officers to develop the right design for the site. There had been changes to the design, and improvements made and there would still be 39% for affordable housing. The scheme had to be ready by March 2023 or grant funding from the GLA would no longer be available and the current affordable housing may not be sustainable. The proposed benefits to the local community were outlined. The agent said that residents' concerns about the development had been taken seriously, but

this had been balanced with what was needed to continue to provide new homes.

3.8 Mr MacArthur addressed some points that were raised by an objector who could not present their points to the last Committee:

- The tree planter had been addressed by officers in the last report and was covered in the 106 agreement.
- The final location new tree planters would be agreed prior to commencement of the works and consultation would take place at that time.
- Any proposal for the location of the trees would not permit the blocking of a fire exit regardless of location or ownership
- Any connections between Sun Wharf and Kent Wharf would be agreed by a party wall agreement this was not a material planning consideration.
- The site allocation would allow the sites to be joined up so that everyone could benefit from the new Creek walkways

3.9 The agent, Mr Hudson then addressed the Committee. He said that this application had previously been agreed and there were no new planning considerations in the report. He outlined the application and the many benefits that would be brought to the area as a result of the development. Officers supported the application. Significant time had been spent discussing sunlight and daylight issues, and their consultant was present to answer any questions on this matter. He asked members to consider the number of affordable houses for residents on their waiting lists.

3.10 Members then asked questions to the applicants and agent. The main points were as follows:

- There would be 46 affordable rented homes and 31 shared ownership.
- The container building was a permanent structure.
- The scheme was designed to be tenure blind. The entrances of private and affordable homes would appear the same with a concierge on site. Condition, maintenance and design of the spaces would be as one.
- Shipping containers last 35 years. If they were to be replaced or a permanent building erected, this would be a decision for the tenants and leaseholders and would be subject to a planning application

## Representation

3.11 Three objectors then addressed the Committee. The first objector said that residents were very anxious about the plans. He outlined the plans for the trees on Kent Wharf land and said that the applicant did not have permission from Kent Wharf management or the freeholder to place the

trees on this land. In a windy location, the trees posed a risk of injury for which the directors would be personally liable. They would block the view to and from the new public art gallery.

- 3.12 The second objector referred to the potential severe loss of light. BRE guidance states that loss of light should be no more than 20%. There would be 85% loss of day light and 100% sunlight and 71 windows would fail BRE guidelines. The worst affected homes would have retained daylight levels as low as 1.7% in their sole living spaces. He outlined the affects that the development would have on those residents who would be most affected. The GLA in response to a Freedom of information Request advised that they would never have approved such low residual light levels in this context. The Mayor of London expressed significant concern about these light impacts in the stage one review and the day light levels were 70% worse than at that stage. The applicant had referred to case law to justify the loss of light but the objector could not find any examples where the impact would be so extreme.
- 3.13 The objector asked a principal daylight and sunlight consultant to review the proposal and the residual light levels were described as very poor and that such low levels would have significant impact on human health. He said that the consultant also found that the applicant's justification that all major adverse effects were driven by overhanging balconies were 'not reasonable, it does not follow from the data'. He then outlined a number of claims with regards to trees, surveys, and light that the applicant had made that he considered to be untrue.
- 3.14 The third objector urged the Committee to refuse the application because she considered that a lot of the information was untrue. The application had been described as unreasonable, unsafe and unprecedented by independent agencies. She requested that the Council ask the applicant to submit an alternative layout. Residents would welcome a layout which relocated a significant portion of the B block units to the A block area.
- 3.15 Members asked questions of the objectors and the points raised were as follows:
- The blocks mainly impacted by loss of sunlight/daylight were Bowhouse Court, Broadside House and Portside Court. On the first four floors there would be sub 10% and in Appendix 4 of the report it outlined where a large number of the living room/dining rooms had a percentage of around 2%. Those homes that would have retained daylight levels as low as 1.7% would be unprecedented and the GLA had never approved levels so low and it would impact on human health.
  - One objector confirmed that currently, he had enough light for most of the day in his living areas. This would not be the case after completion of the development. He would lose his view of the sky and all of his natural light, forcing him to use artificial light. There had been an assessment of light for the new blocks and the applicant made assurance that these homes would have enough light. However, this

assessment had only been for south facing homes, not single aspect homes facing east.

- It was clarified that dual aspect referred to the existence of one window in the bedroom and the living area. The units in Kent Wharf face away from Sun Wharf. They only have one small bedroom, there is no other living space.

3.16 The Chair asked the objector for clarification about the response he had received from the GLA. The Council had not received a copy of this response. In the report, it stated that the GLA supported the stage 1 response. The objector said that there had been two stage one reports, one in 2019 one in 2020. In 2019 the stage one review said that there was significant concern about the light impact, there was silence on this point in 2020 but at that time there were major issues with the light data and needed to be heavily corrected, and there were still issues with the data. The GLA had not seen this data so had an elevated view of residual light levels.

3.17 Officers clarified that they had not received a formal response from the GLA about this matter. The objector said that the response had been part of a Freedom of Information request. The Chair said that members had to make a decision based on fact. She asked the objector whether the BRE had undertaken a formal assessment and that all the information sent to them was correct. The objector confirmed that the BRE had undertaken a full review of all the applicant documents relating to the daylight and sunlight provided on the planning portal. The planning lawyer advised that members had not seen that independent report. Members only had the objector's representations of what the BRE had said. She advised members to bare this in mind when considering what weight should be attached to this evidence. The BRE consultant was not in attendance should members wish to ask questions. The objector said that the BRE comments were sent to officers. The Head of Development Management said that officers had received detailed objections from objectors and that included email exchanges with BRE. It did not include a formal report review of the scheme's entirety in the same way that Delva Patman Redler had produced a formal response reviewing the applicant's report to the Council.

3.18 The Chair said that members required a full assessment as opposed to evidence requested by an objector. Members were taking the application seriously but they had to consider carefully how the information had been received and had to follow the guidance of the legal officer in this respect as to the weight attached to the information.

3.19 The Head of Development Management then outlined the process for the application. The Council makes a recommendation, Lewisham then re-refer that scheme to the GLA which was stage two. The Council's resolution would then be considered along with the application in its entirety. The GLA would then make a decision to allow the Council to make their decision, call in the decision or direct the Council to make a refusal. If the GLA did not make an approval at stage two, the application could be called in.

- 3.20 Councillor Parry then addressed the Committee. She said that she was speaking on behalf of all residents in Deptford. This included those at the meeting and other residents including those who were in desperate need of housing. She welcomed the efforts put into the plans and acknowledged that there were positives to the development. She thanked the applicants for the changes that had been made so far.
- 3.21 Councillor Parry said that there had been a breakdown of trust between the applicant and some residents of Kent Wharf. She highlighted some of the reasons for this, which included:
- River wall – the initial planning officer’s report stated that the Environmental Agency (EA) were in support of applicant’s proposal for residents’ service charges to be used to fund future work to the river wall. However, after a FOI request, it was noted that the EA had concerns about this funding strategy.
  - River wall – The applicant stated that Jones Hire would not allow them to carry out a survey of the river wall. Jones Hire said that was not in fact correct.
  - Fire brigade access – There had been discussion about using trees to offset the potential safety concerns due to high winds. The applicant had been asked whether they had the right to plant these trees on land that they did not own. The applicant said that they had permission subject to approval for the trees, which was not the same as having permission for the trees. However, this issue had been addressed in the most recent report.
- 3.22 The Chair asked the Principal Planning Officer to address the two issues of wind mitigation and the river wall as raised by Councillor Parry. Wind mitigation was addressed first and members were advised that full clarification would have to be made and tests done to ensure there was full wind mitigation on the site otherwise the development could not go ahead. There was then clarification regarding the river wall. The Principle Planning officer said that since the last meeting he had contacted the environment agency for further comment on who was responsible for the river wall including the maintenance. He read out the email as written. It stated that whilst the EA support the regular inspection and maintenance of the river wall structure, they have no formal comment on the funding strategy for such works. Their intention is that the applicant / successive owners should fund the works, with that requirement running with the land. Any arrangements which may be formed between the applicant / landowner and any residential or commercial leaseholders are not for the EA’s consideration.
- 3.23 The following issues were then discussed:
- The Environment Agency had drafted a condition with their legal team to ensure that there would be an intrusive survey undertaken for the river wall and all elements of the wall would be assessed.

- The Sand Martin/ Kingfisher bank was to be retained as part of the original proposal, but following discussions with the EA a new intertidal wall was proposed, with the subsequent loss of the Sand Martin/ Kingfisher bank. Planning conditions are in place to ensure that a replacement Sand Martin/ Kingfisher bank would be incorporated into the new river wall.
- Sunlight/daylight was discussed. A question was asked about how many properties had gone from BRE acceptable guidance to BRE non acceptable. Members were advised that Appendix 4 contained a list of all of those properties that would experience that major adverse. The Head of Development Manager gave a detailed summary of the information contained in this appendix.
- Mr Cosgrave gave a detailed explanation of how to compare current light standards to how they would be, and what impact that would have. He said that where there were VSC levels in single digits, particularly 5%, it was reasonable to conclude that it would compromise, significantly, the reasonableness of daylight and the experience for the occupier.
- It was noted that conditions could not be imposed to ameliorate the problem with the Winter gardens because it would not meet the legal test which requires land to be part of the development.
- There was general discussion regarding the potential gains and losses if the development was approved. There would be affordable rent from 46 units as well as shared ownership and development of an area that was needed in this part of the borough. However, this had to be balanced with the impact of light on the existing development

3.24 With 7 members voting for the application and 2 against it was,

RESOLVED that the following recommendations be agreed subject to the conditions and informatives set out in the report.

RECOMMENDATION (A) To agree the proposals and refer the application, this report and any other required documents to the Mayor of London (Greater London Authority) under Article 5 of the Town and Country Planning (Mayor of London) Order 2008.

RECOMMENDATION (B) Subject to no direction being received from the Mayor of London, authorise the Head of Law to complete a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the principal matters as set out in Section 12 of this report, including other such amendments as considered appropriate to ensure the acceptable implementation of the development.

RECOMMENDATION (C) Subject to completion of a satisfactory legal agreement, authorise the Head of Planning to GRANT PLANNING PERMISSION subject to conditions including those set out below and such amendments as considered appropriate to ensure the acceptable implementation of the development

The meeting ended at 8.52 pm.

Chair

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Committee	STRATEGIC PLANNING COMMITTEE	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 6 October 2022

### **Declaration of interests**

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

### **Personal interests**

There are two types of personal interest:-

- (a) an interest which you must enter in the Register of Members' Interests\*
- (b) an interest where the wellbeing or financial position of you, (or a "relevant person") is likely to be affected by a matter more than it would affect the majority of inhabitants of the ward or electoral division affected by the decision.

\*Full details of registerable interests appear on the Council's website.

("Relevant" person includes you, a member of your family, a close associate, and their employer, a firm in which they are a partner, a company where they are a director, any body in which they have securities with a nominal value of £25,000 and (i) any body of which they are a member, or in a position of general control or management to which they were appointed or nominated by the Council, and (ii) any body exercising functions of a public nature, or directed to charitable purposes or one of whose principal purpose includes the influence of public opinion or policy, including any trade union or political party) where they hold a position of general management or control

If you have a personal interest you must declare the nature and extent of it before the matter is discussed or as soon as it becomes apparent, except in limited circumstances. Even if the interest is in the Register of Interests, you must declare it in meetings where matters relating to it are under discussion, unless an exemption applies.

### **Exemptions to the need to declare personal interest to the meeting**

You do not need to declare a personal interest where it arises solely from membership of, or position of control or management on:

- (a) any other body to which you were appointed or nominated by the Council
- (b) any other body exercising functions of a public nature.

In these exceptional cases, unless your interest is also prejudicial, you only need to declare your interest if and when you speak on the matter.

### **Sensitive information**

If the entry of a personal interest in the Register of Interests would lead to the disclosure of information whose availability for inspection creates or is likely to create a serious risk of violence to you or a person living with you, the interest need not be

entered in the Register of Interests, provided the Monitoring Officer accepts that the information is sensitive. Where this is the case, if such an interest arises at a meeting, it must be declared but you need not disclose the sensitive information.

### **Prejudicial interests**

Your personal interest will also be prejudicial if all of the following conditions are met:

- (a) it does not fall into an exempt category (see below)
- (b) the matter affects either your financial interests or relates to regulatory matters
  - the determining of any consent, approval, licence, permission or registration
- (c) a member of the public who knows the relevant facts would reasonably think your personal interest so significant that it is likely to prejudice your judgement of the public interest.

### **Categories exempt from being prejudicial interest**

- (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)

### **Effect of having a prejudicial interest**

If your personal interest is also prejudicial, you must not speak on the matter. Subject to the exception below, you must leave the room when it is being discussed and not seek to influence the decision improperly in any way.

### **Exception**

The exception to this general rule applies to allow a member to act as a community advocate notwithstanding the existence of a prejudicial interest. It only applies where members of the public also have a right to attend to make representation, give evidence or answer questions about the matter. Where this is the case, the member with a prejudicial interest may also attend the meeting for that purpose. However the member must still declare the prejudicial interest, and must leave the room once they have finished making representations, or when the meeting decides they have finished, if that is earlier. The member cannot vote on the matter, nor remain in the public gallery to observe the vote.

### **Prejudicial interests and overview and scrutiny**

In addition, members also have a prejudicial interest in any matter before an Overview and Scrutiny body where the business relates to a decision by the Executive or by a committee or sub committee of the Council if at the time the decision was made the member was on the Executive/Council committee or sub-committee and was present when the decision was taken. In short, members are not allowed to scrutinise decisions to which they were party.



## Strategic Planning Committee

### Report title:

**164-196 TRUNDLEY'S ROAD AND 1-9 SANFORD STREET, LONDON,  
SE8 5JE**

**Date:** 06 October 2022

**Key decision:** No.

**Class:** Part 1

**Ward(s) affected:** Evelyn

**Contributors:** Thomas Simnett

### Outline and recommendations

This report sets out the Officer's recommendation of approval for the below proposal subject to the conditions and informatives as set out in this report.

The report has been brought before Committee for a decision at the request of the Director of Planning, given the Committee's interest in the amenity space to each cluster flat when the planning permission to which this application relates to was approved.

## Application details

**Application reference number(s):** DC/22/127348

**Application Date:** 27 June 2022

**Applicant:** Isobel Patterson of Avison Young on behalf of Tribe Student Housing Ltd

**Proposal:** Application submitted under Section 96a of the Town & Country Planning Act 1990 (as amended) for a non-material amendment to planning permission DC/20/117966 dated 5 November 2021 in order to allow for an increase of 9no. student rooms, taking the total from 393 to 402 rooms proposed; amalgamate the smaller clusters to create 9-bed clusters in direct response to the preference of universities; increase in the number of studio units to increase the choice of accommodation and a reduction in the size of Cluster A from 8-bed to 7-bed; increase in the shared amenity space at ground, basement and first floor levels; and increase of 7no. additional long-stay cycle parking spaces at basement level at 164-196 Trundley's Road and 1-9 Sanford Street, SE8.

**Background Papers:** (1) Submission Drawings  
(2) Submission technical reports and supporting documents

**Designation:** PTAL 1b  
Flood Risk Zone 3  
Flood Risk Zone 2  
Area of Archaeological Priority  
Air Quality  
Not in a Conservation Area  
Not a Listed Building  
London Underground Zone  
Strategic Industrial Location

**Screening:** N/A

## 1 SITE AND CONTEXT

- 1 The Site itself lies south-west of Deptford Park, adjacent to Folkestone Gardens and extends to approximately 0.38ha (0.94 acres). The Site is bound by Trundley's Road to the east, Sanford Street to the south, railway lines and a Transport for London (TfL) operations building (substation) to the west and Juno Way to the north. The Site benefits from a long frontage to Folkestone Gardens.
- 2 The existing site is comprised of three main elements:
  - 1) A brick warehouse which runs along Trundley's Road used for car servicing and MOT testing;

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decision making as the consultation period has yet to conclude and the plan has not been through examination to be found 'sound' in accordance with para 35 of the NPPF.

- 6 The Site is also located within an Area of Archaeological Priority and to the west boundary, the Site adjoins the railway which is designated as a Green Corridor and Site of Importance for Nature Conservation. Folkestone Gardens to the east of the Site is designated as Public Open Space and a Site of Nature Conservation Importance.
- 7 The site falls within the Lewisham, Catford and New Cross Opportunity Area for which the London Plan sets an indicative capacity of 13,500 new homes and 4,000 new jobs over the plan period. The site has relatively low access to public transport with a Public Transport Accessibility Level (PTAL) of 1a to 2. The site is located in Flood Zone 3 as identified by the Environment Agency, as well as an Air Quality Management Area.

## 2 RELEVANT PLANNING HISTORY

- 8 **DC/20/117966:** Demolition of existing buildings and redevelopment of the site for two new buildings comprising flexible commercial floorspace (Use Class E(g)(iii)/B2/B8) at ground and mezzanine floors and residential units (Use Class C3) and purpose-built student accommodation bed spaces (Use Class Sui Generis) above, with associated access and highway works, amenity areas, cycle, car parking and refuse/recycling stores at 164-196 Trundley's Road and 1-9 Sanford Street, SE8 5JE. **Granted**
- 9 **DC/22/125701:** An application submitted under Section 96a of the Town & Country Planning Act 1990 for a non-material amendment in connection with the planning permission (DC/20/117966) dated 5th November 2021 for the demolition of existing buildings and redevelopment of the site for two new buildings comprising flexible commercial floorspace (Use Class E(g)(iii)/B2/B8) at ground and mezzanine floors and residential units (Use Class C3) and purpose-built student accommodation bed spaces (Use Class Sui Generis) above, with associated access and highway works, amenity areas, cycle, car parking and refuse/ recycling stores at 164-196 Trundley's Road and 1-9 Sanford Street, SE8 **in order to seeks the following amendments:**
- Increase of 11no. student rooms, taking the total from 393 to 404 rooms proposed;
  - Amalgamation of the smaller clusters to create larger 10-bed clusters;
  - An increase in the number of studio units and a reduction in the size of Cluster A from 8-bed to 7-bed;
  - Increase in the shared amenity space at ground, basement and first floor levels; and
  - Increase of 9no. additional long-stay cycle parking spaces at basement level.
- 10 **The above application was withdrawn by the applicant following concerns raised by Officers regarding the amenity of students within 10-bed clusters.**
- 11 **DC/22/127349:** Details submitted pursuant to Condition 53 part a (Retention of Amenity Spaces) of planning permission DC/20/117966 dated 5 November 2021 at 164-196 Trundley's Road and 1-9 Sanford Street, SE8. **Yet to be determined**
- 12 Following the grant of planning permission in 2021, a number of applications have been submitted to discharge the planning conditions and Section 106 agreement obligations.

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### 3 CURRENT PLANNING APPLICATION

#### 3.1 THE PROPOSALS

13 This application is submitted under Section 96a of the Town & Country Planning Act 1990 (as amended) for a non-material amendment to planning permission DC/20/117966 dated 5 November 2021 in order to allow for an increase of 9no. student rooms, taking the total from 393 to 402 rooms proposed; amalgamate the smaller clusters to create 9-bed clusters in direct response to the preference of universities; increase in the number of studio units to increase the choice of accommodation and a reduction in the size of Cluster A from 8-bed to 7-bed; increase in the shared amenity space at ground, basement and first floor levels; and increase of 7no. additional long-stay cycle parking spaces at basement level at 164-196 Trundley's Road and 1-9 Sanford Street, SE8.

14 The changes to the scheme proposed are as follows:

- Increase of 9no. student rooms, taking the total from 393 to 402 rooms proposed;
- Amalgamation of the smaller clusters to create 9-bed clusters in direct response to the preference of universities;
- An increase in the number of studio units to increase the choice of accommodation and a reduction in the size of Cluster A from 8-bed to 7-bed;
- Increase in the shared amenity space at ground, basement and first floor levels; and
- Increase of 7no. additional long-stay cycle parking spaces at basement level.

15 The changes are limited to the student accommodation in Block A. There is no change to the residential (C3) accommodation, nor is there any change proposed to the quantum or quality of the commercial floorspace. Furthermore, the quantum of disabled car parking spaces remains as consented, with minor changes to the cycle parking layout to provide a policy compliant level which are designed in accordance with the requirements of the London Cycle Design Standards.

#### 3.2 PREVIOUS SCHEME

16 An earlier NMA application was submitted in February 2022 (ref NO. DC/22/125701) which was subsequently withdrawn following discussions with Officers. This application included the amalgamation of the 5- and 6-bed clusters to create a larger 10-bed cluster which will share a single communal kitchen. Officers raised concerns regarding the amenity of students within the 10-bed cluster and therefore in response, this application seeks to reduce the size of the cluster to 9-beds and creating an additional studio unit. This therefore reduces the number of cluster units sharing the single kitchen to 9no. in total as the studio unit has its own cooking and laundry facilities. These amendments are discussed in further detail below.

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## **4 CONSULTATION**

### **4.1 PRE-APPLICATION ENGAGEMENT**

17 The applicant engaged with the LPA to discuss the proposals prior to the submission of a planning application, Officer's advice at the time of the pre-application meeting was that the proposed amendments were likely to result in a marginal improvement in the provision of amenity floor space per unit in each cluster and changes to cluster sizes is largely considered acceptable.

### **4.2 APPLICATION PUBLICITY**

18 No consultations are required to be undertaken for an application made under Section 96a of the Town and Country Planning Act 1990 (as amended).

## **5 POLICY CONTEXT**

### **5.1 LEGISLATION**

19 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).

20 S96A of the 1990 act allows changes to existing permissions providing they are considered to be non-material. In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.

21 If a non-material amendment application is successful, no new planning permission will be created. The original planning permission will still be valid but will be modified as detailed by the non-material amendment decision. Therefore, both decisions will need to be read together

### **5.2 National Planning Policy Guidance**

22 'National Planning Policy Guidance- Flexible Options for Planning Permission states there is no statutory definition of 'non-material'. A determination as to what is material will be dependent upon the context of the overall scheme as an amendment that is non-material in one context may be material in another. The Local Planning Authority must have regard to the effect of the change, together with any previous changes made under Section 96a.

### **5.3 Local policy**

23 In each case whether a change is material is a judgment based on fact and degree, as well as an assessment of the impact of the change on the local environment. The judgment on materiality is always based on the original planning permission. Materiality is considered against the development as a whole, not just part of it. The cumulative

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effects of any previous amendments to the original permission also need to be assessed against the original permission.

24 Officers consider amendments to be non-material if:

- there is no material impact on any neighbours or other statutory or non-statutory bodies, and the amended scheme would still fall within the description of development on the original decision notice and would still comply with our development plan
- there is a reduction in size (in any dimension) and the design and appearance is not compromised
- there is a reduction in the number and size or location of any openings, and this does not compromise the overall design and appearance, particularly in conservation areas.

25 Proposed amendments would not be non-material if:

- they would alter the nature or description of development
- there would be an increase in size (by volume and/or height) to the extent where this would have a material impact on the design, external appearance and/or local amenity
- there would be an increase in the number of openings, or a noticeable increase in size and/or the location of openings, which would affect the proposal's external appearance or result in loss of privacy or amenity to neighbours
- there would be a reduction in design quality owing to a loss of detail or lower quality materials that would affect visual amenity
- the scheme becomes contrary to the Lewisham Development Plan
- it would conflict with any existing planning conditions.

## 5.4 MATERIAL CONSIDERATIONS

26 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.

27 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.

28 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 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 aforementioned directions and the test of reasonableness.

## 5.5 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2021 (NPPF)

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- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

## 5.6 DEVELOPMENT PLAN

29 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

## 5.7 SUPPLEMENTARY PLANNING GUIDANCE

30 London Plan LPG:

- Large-scale Purpose-built Shared Living (draft, 2022)

31 Officers note that the above London Plan Guidance has yet to be formally adopted, consultation on the LPG was carried out between 27 January 2022 and 27 March 2022. The guidance provides information on how to apply London Plan Policy H16 to ensure these developments are of acceptable quality, well-managed and integrated into their surroundings.

32 Given the LPG has yet to be formally adopted the above guidance is given limited weighting in assessing this application.

# 6 PLANNING CONSIDERATIONS

## 6.1.1 Summary of main issues

33 The main issues to consider is whether the below amendments would be considered to be non-material:

- Increase of 9no. student rooms, taking the total from 393 to 402 rooms proposed;
- Amalgamation of the smaller clusters to create 9-bed clusters in direct response to the preference of universities;
- An increase in the number of studio units to increase the choice of accommodation and a reduction in the size of Cluster A from 8-bed to 7-bed;
- Increase in the shared amenity space at ground, basement and first floor levels; and
- Increase of 7no. additional long-stay cycle parking spaces at basement level.

## 6.1.2 Assessment of the proposed changes

34 The proposal includes a number of internal alterations to the approved development, Officers note that the proposed amendments would have no impact on the external envelope of the approved building or its design.

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### **Quantum and mix of student accommodation**

- 35 This application seeks to increase the number of student bedspaces from 393 to 402, this would be the result of minor internal reconfiguration to the size of cluster flats.
- 36 The proposals also seek to provide additional studio units, where students would have larger accommodation with their own kitchen facilities, bathroom and washer/dryer plus an amendment to the consented cluster accommodation. The proposals seek to increase the range of student accommodation available. The original scheme included a mix of cluster and studio units, with the majority of units being situated within clusters of between 5-8 bedspaces.
- 37 According to the planning statement and letter from Homes for Students submitted alongside this application, universities prefer larger clusters of units which share a single communal kitchen, particularly for first year students, as this helps foster a greater sense of community, encourage social interaction and reduces the possibility for social isolation. Clusters of 10 -12 bedspaces have become the industry standard.
- 38 As a direct response to this, the proposals seek to amalgamate the 5- and 6-bed clusters on 2-12th floors to create 9-bed clusters which would share a single communal kitchen.
- 39 Officers note that this is a reduction in the size of the proposed cluster when compared to the previous non-material amendment application (ref DC/22/125701) which was withdrawn following concerns raised by Officers regarding the quality of the amenity space for this cluster; due to its overly large size.
- 40 A comparison between the consented and proposed accommodation mix is set out in Table 1:

<b>Scheme</b>	<b>Number of cluster units</b>	<b>Number of studio units</b>	<b>Total number of units</b>
<b>Consented</b>	365	28	383
<b>Proposed</b>	328	74	402

**Table 1 – Comparison between the consented and proposed accommodation in Block A**

- 41 Officers consider that the proposals therefore seeks to ensure the accommodation better responds to both the needs of universities and students by providing a greater choice of accommodation types.
- 42 Officers consider given the amalgamation of the 5- and 6-bed clusters on 2-12th floors to create 9-bed clusters would not result in any noticeable external changes and as a result would be non-material in nature. The clear preference from a registered student accommodation provider provides evidence for the requirement of bigger clusters, which is considered acceptable.

### **Student communal amenity space**

- 43 As previously discussed in para 39, as a direct result of concerns raised and discussion at pre-application stage amendments were submitted which amalgamated the 5- and 6-bed clusters on 2-12th floors to create a 9-bed cluster rather than 10-bed cluster in order to reduce the number of students sharing a single kitchen.

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- 44 It should be noted that in the consented scheme, the units within the 5- and 6-bed clusters on 2-12th floors had access to 5.5sqm and 5.4sqm of communal amenity space per unit respectively.
- 45 The proposed 9-bed cluster would have access to a total of 46sqm communal amenity space (comprising shared kitchen & dedicated laundry room). This therefore equates to 5.1sqm per student within this cluster, which is a very minor decrease from the consented position.
- 46 Officers highlight that a cluster with 9-beds is only 1 more unit than the 8-bed clusters which were approved as part of the original planning consent. The 9-bed cluster proposed would also have access to a greater quantum of communal amenity space per room than the units within the 8-bed clusters which benefit from economies of scale: Cluster A has access to 24sqm communal amenity space which equals 3sqm per room and Cluster D has access to 29sqm which equals 3.6sqm per room. Officers recognise that this is a consented position and as such previously considered acceptable.
- 47 Together with the above amendments, the proposal also seeks to increase in the amount of communal amenity space for all clusters to ensure all cluster units have access to a minimum of 4sqm communal amenity space per room. Officers recognise this is a planning benefit which would improve the student communal amenity space throughout block A, and as such is given moderate weight in the planning balance.
- 48 In addition to the above, all units also have access to shared amenity space at basement, ground and first floor level. The proposals seek to increase the amount of shared amenity space in part by introducing a gamer/gaming room at basement floor level, which Officers consider acceptable and non-material. It should be noted that this takes the total shared amenity space at lower floors from 485sqm consented to 515sqm proposed.
- 49 It is important to recognise that there is no universally agreed or used standard for determining the quantum of student amenity space, however the industry standard is typically between 1 – 1.5sqm per student. The applicant has their own design guidance which informs their student schemes, which is detailed in the planning statement submitted alongside this application. The current proposals to increase the number of student bedspaces to 402 exceed the Tribe design guidance, providing 1.3sqm of internal communal amenity space per student when taking into account the amenity spaces at basement, ground and first floor level. Including the external amenity space (203sqm) in this calculation takes the ratio to 1.8sqm.
- 50 Given this application is accompanied by a Letter of Support from Homes for Students who have been advising the applicant on the changes to the scheme since the resolution to grant, Officers consider the proposed amendments to be necessary and non-material in nature.

### ***Cycle Parking***

- 51 Officers note in light of the increase in student accommodation bedspaces, the proposals seek to provide an additional 7no. long-stay cycle parking spaces at basement level to ensure the provision of 0.75 spaces per bedroom is maintained in accordance with London Plan Policy T5.
- 52 These spaces will be required to be designed in accordance with the London Cycle Design Standards, a LCDS compliance statement is submitted as part of this application;

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although Officers note that the planning condition relating to cycle storage attached to DC/20/127349 has yet to be discharged, as such Officers make no comment on the acceptability of the cycle storage.

53 The provision of 7no. additional long-stay cycle is considered non-material in nature and could have been provided as part of details submitted for Condition 42 - Cycle Parking.

**Affordable Housing Contribution**

54 Officers note that the consented scheme (DC/20/117966) included the following:

- 58 conventional C3 residential dwellings (all of which are affordable on a tenure split of 70% low cost rent and 30% intermediate)
- 393 student bedspaces (sui generis) of which 138 were affordable (35% by unit and habitable room)

55 It should be noted that with regards to the affordable offer, the scheme was considered as a whole and achieved 53% affordable housing by unit and 54% by habitable room.

56 There are no proposed changes to the affordable provision as part of the proposed scheme on the basis the scheme as a whole continues to maintain an affordable provision in excess of 50%.

57 The two below tables are extracts of the cover letter submitted by the applicant:

	Student Accommodation		Residential dwellings	Total
	Bedspaces	Equivalent provision (2.5:1 ratio)		
<b>Total no. of units</b>	402	161	58	219 (161 + 58)
<b>Total no. of affordable units</b>	138	55	58	113 (55 + 58)
<b>Affordable percentage by unit</b>				<b>51.6%</b>

**Table 2 – Proposed affordable provision by unit**

58 The above table sets out the percentage of affordable housing when measured by unit as 51.6%. This has been calculated on the basis that 2.5 student bedspaces are equivalent to 1 residential C3 dwelling, which is the ratio included in the London Plan and draft Lewisham Local Plan. While the proposed affordable provision by unit is slightly lower than the approved scheme 53% vs 51.6% (approved scheme vs proposed scheme), it would still maintain an affordable provision in excess of 50% which is above policy requirement.

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	Student Accommodation	Residential dwellings	Total
Total no. of hab rooms	402	165 (from 58 units)	567
Total no. of affordable hab rooms	138	165	303
Affordable percentage by habitable rooms			53.4%

**Table 3 – Proposed affordable provision by habitable room**

- 60 Officers note that the number of habitable rooms for the 58 residential dwellings remains as per the consented scheme. The affordable provision across the scheme by habitable room is 53%.
- 61 Officers consider that the proposed affordable housing offer is acceptable on the basis that the overall scheme exceeds the 50% requirement for affordable housing and it is noted that Block B continues to comprise 100% affordable housing.
- 62 There is also no requirement for a deed of variation to the s106 as the legal agreement secures 138 affordable student housing units, and these would continue to be provided.
- 63 There would also be no change to the location of the affordable units which are located on floors 1-5, the affordable units are not disproportionately affected by the proposed amendments.

## 7 LOCAL FINANCE CONSIDERATIONS

- 64 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).
- 65 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 66 The CIL is therefore a material consideration.
- 67 £1,777,778 Lewisham CIL and £622,222 MCIL (including affordable relief) is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

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## 8 EQUALITIES CONSIDERATIONS

68 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.

69 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.

70 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.

71 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>

72 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

73 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>

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74 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

75 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
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

76 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.

77 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.

78 This application has the legitimate aim of providing a new building with employment and residential uses. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

## 10 CONCLUSION

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

80 The proposed amendments are limited and are considered to fall within the scope of a non-material amendment. They would not have a material impact upon the nature of the existing planning permission and as such should be approved.

## 11 RECOMMENDATION

81 That the Committee resolve to **GRANT** a non-material amendment subject to the following conditions and informatives:

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## 11.1 CONDITIONS

### 1) DEVELOP IN ACCORDANCE WITH APPROVED PLANS

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

Proposed Plans: 3650-A-04-151 REV P5; 3650-A-04-152 REV P4; 3650-A-04-153 REV P6; 3650-A-04-154 REV P6; 3650-A-04-155 REV P6; 3650-A-04-156 REV P6; 3650-A-04-157 REV P6; 3650-A-04-158 REV P5; 3650-A-04-159 REV P4; 3650-A-04-150 REV P11; 3650-A-04-280 REV P4; 3650-A-04-281 REV P4; 3650-A-04-282-REV P4; 3650-04-283 REV P3; 3650-A-04-150 REV P11; 3650 REV E (Schedule of Accommodation) (Received 29 June 2022)

Which replace,

Approved Plans: 3650-A-04-171 REV P2; 3650-A-04-172 REV P2; 3650-A-04-173 REV P2; 3650-A-04-174 REV P2; 3650-A-04-175 REV P2; 3650-A-04-176 REV P2; 3650-A-04-177 REV P2; 3650-A-04-178 REV P2; 3650-A-04-179 REV P2; 3650-A-04-170 REV P4; 3650-A-04-180 REV P2; 3650-A-04-181 REV P2; 3650-A-04-182 REV P2; 3650-A-04-183 REV P2; 3650-A-04-170 REV P4 (Approved under s96a Ref: DC/21/124255 dated 11 January 2022)

6809-D2900 REV 06 (Schedule of Accommodation) (Approved Ref. DC/20/117966 dated 05 November 2021)

**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.

### 2) CYCLE PARKING

- a) Notwithstanding the hereby approved plans, prior to first occupation, full details of the cycle parking facilities for all uses (long stay and short stay) shall be submitted to and approved in writing by the local planning authority.
- b) All cycle parking spaces shall be provided and made available for use prior to first occupation of the development and maintained thereafter.

**Reason:** In order to ensure adequate provision for cycle parking and to comply with Policy T5 cycling and Table 10.2 of the London Plan (March 2021) and Policy 14: Sustainable movement and transport of the Core Strategy (2011).

## 11.2 INFORMATIVES

- 1) The applicant is advised that this permission forms part of the original permission **DC/20/117966** dated **05 November 2021** and the subsequent s96a **DC/21/124255** dated **11 January 2022** all other conditions attached to those permissions are still applicable to the amended scheme.

Furthermore for the avoidance of doubt the following plans and documents attached to the original permission are still relevant:

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3650-A-03-100; 6809-D1100 REV 00; 6809-D1101 REV 00; 6809-D1700 REV 00;  
3650-A-04 195; 3650-A-04-196; 3650-A-04-197; 3650-A-04-198; 3650-A-06-220;  
3650-A-06-221; 3650-A-06-22; 3650-A-06-223; 3650-A-05-320; 3650-A-05-321;  
3650-A-05-322; 6809-D9602 REV 00; 6809-SK-023 REV 00; 6561-SK-024 REV  
00; 6561-SK-025 REV 00;  
17.334-P-200 REV M; 17.334-P-201 REV F; 17.334.P-202 REV D; 17.334-P-203  
REV D; 17.334-P-204 REV A; 20.040-BOSK-00 DR-L-1001; 20.040-BOSK-00-  
DR-L-1003 REV P01

## 12 BACKGROUND PAPER

- (1) Submission Drawings
- (2) Submission technical reports and supporting documents

## 13 REPORT AUTHOR AND CONTACT

82 Thomas Simnett [Thomas.simnett@lewisham.gov.uk](mailto:Thomas.simnett@lewisham.gov.uk) 020 8314 6284

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# Site Location Plan



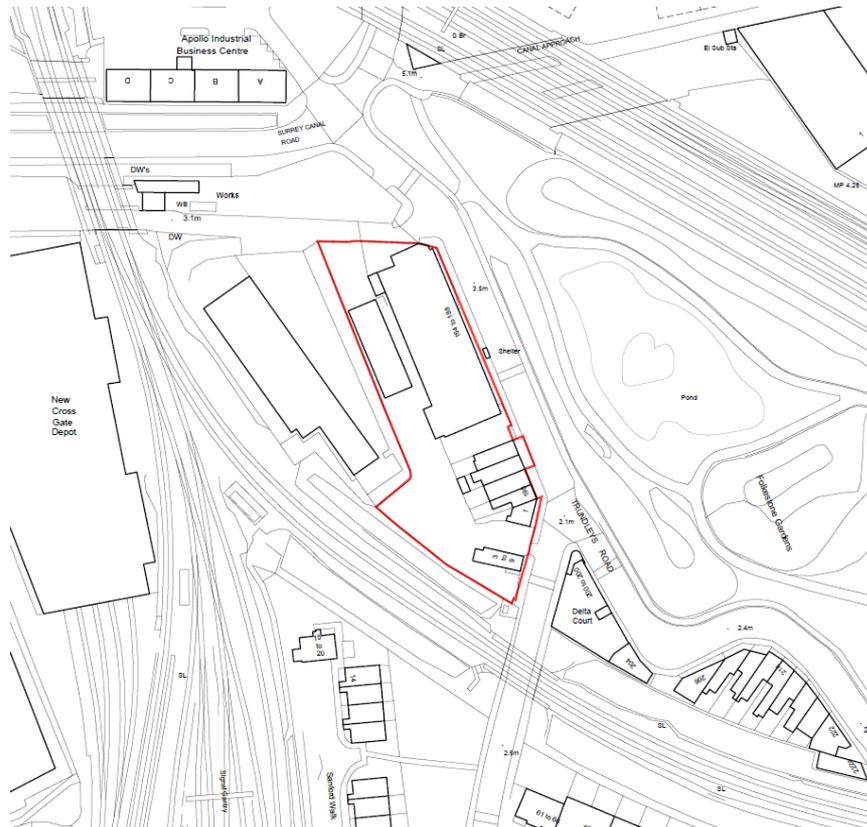
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# **164-196 TRUNDLEY'S ROAD AND 1-9 SANFORD STREET, SE8 5JE**

**Application No. DC/22/127348**

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

**Application submitted under Section 96a of the Town & Country Planning Act 1990 (as amended) for a non-material amendment to planning permission DC/20/117966 dated 5 November 2021 in order to allow for an increase of 9no. student rooms, taking the total from 393 to 402 rooms proposed; amalgamate the smaller clusters to create 9-bed clusters in direct response to the preference of universities; increase in the number of studio units to increase the choice of accommodation and a reduction in the size of Cluster A from 8-bed to 7-bed; increase in the shared amenity space at ground, basement and first floor levels; and increase of 7no. additional long-stay cycle parking spaces at basement level at 164-196 Trundley's Road and 1-9 Sanford Street, SE8**



Site Location Plan

# Proposed Details

# Consented Scheme



The consented development as approved under Non-material Amendment Application, (DC/21/124255) under the original permission (DC/20/117966) included the following approved quantum:

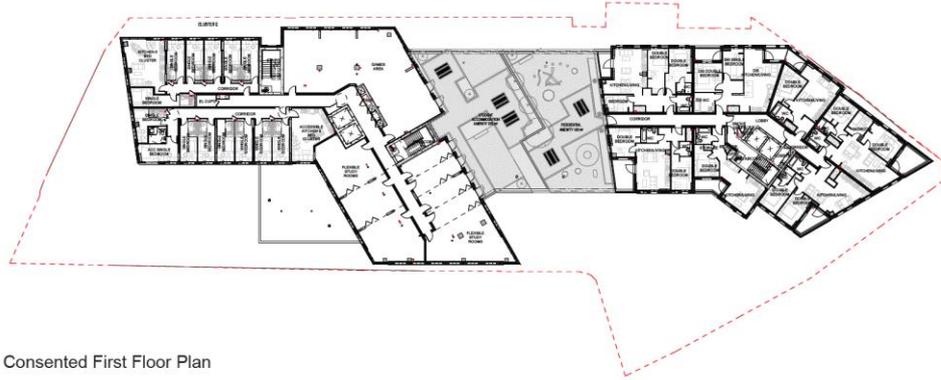
- a) 2,220sqm flexible commercial floorspace (Use Class B1c/B2/B8);
- b) 58 residential units (Use Class C3);
- c) 393 purpose-built student accommodation bedspaces (Use Class Sui Generis);
- d) 2no. buildings: Block A part 11, part 15 storeys and Block B part 6, part 9 storeys.

# Proposed Amendments

The changes to the scheme proposed are as follows:

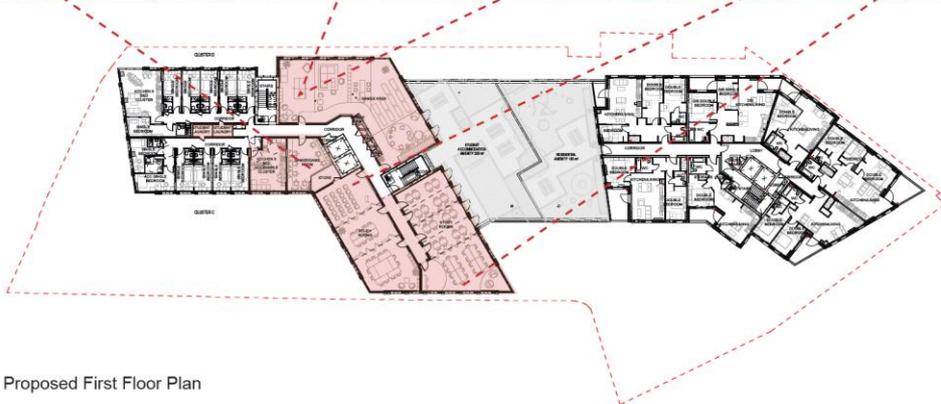
- Increase of 9no. student rooms, taking the total from 393 to 402 rooms proposed;
- Amalgamation of the smaller clusters to create 9-bed clusters in direct response to the preference of universities;
- An increase in the number of studio units to increase the choice of accommodation and a reduction in the size of Cluster A from 8-bed to 7-bed;
- Increase in the shared amenity space at ground, basement and first floor levels; and
- Increase of 7no. additional long-stay cycle parking spaces at basement level.

# Proposed First Floor Amendments



Consented First Floor Plan

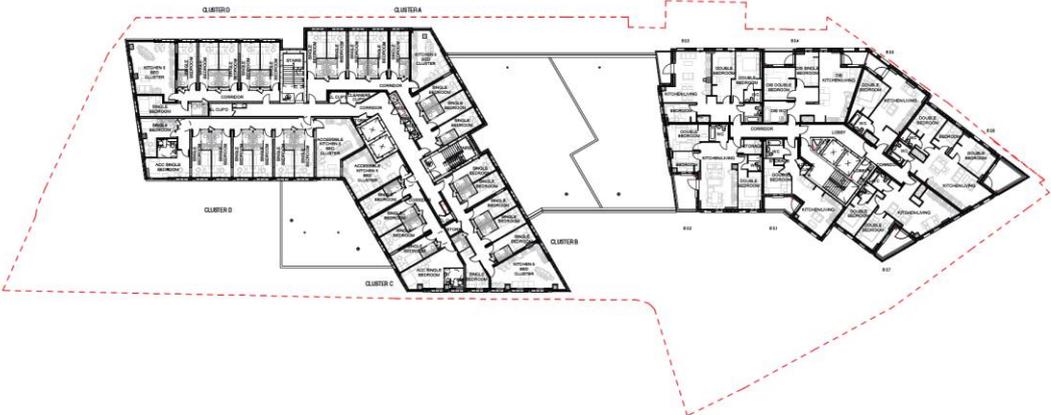
Examples of proposed amenity rooms



Proposed First Floor Plan

Proposed interior changes

# Proposed Second to Fifth Floor Plans



Consented Second to Fifth Floor Plan

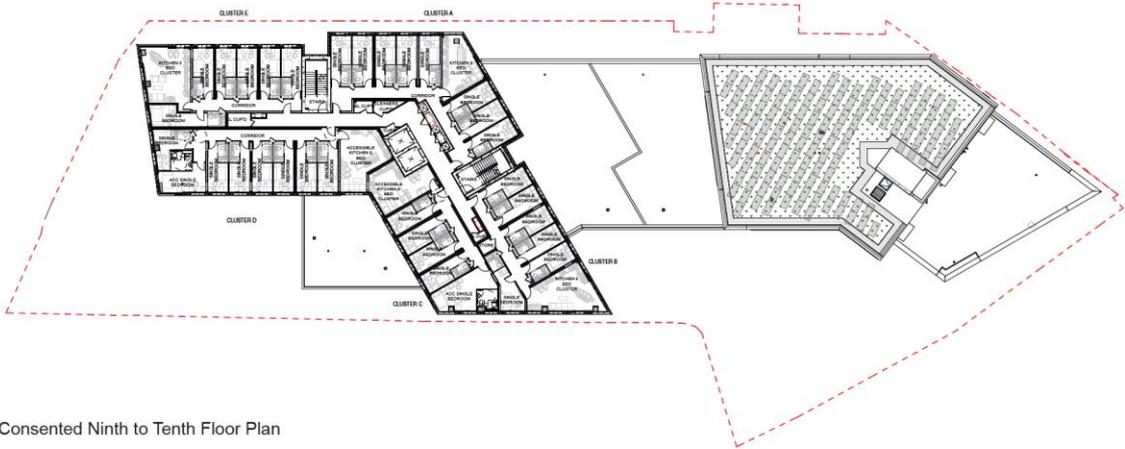


Proposed Second to Fifth Floor Plan

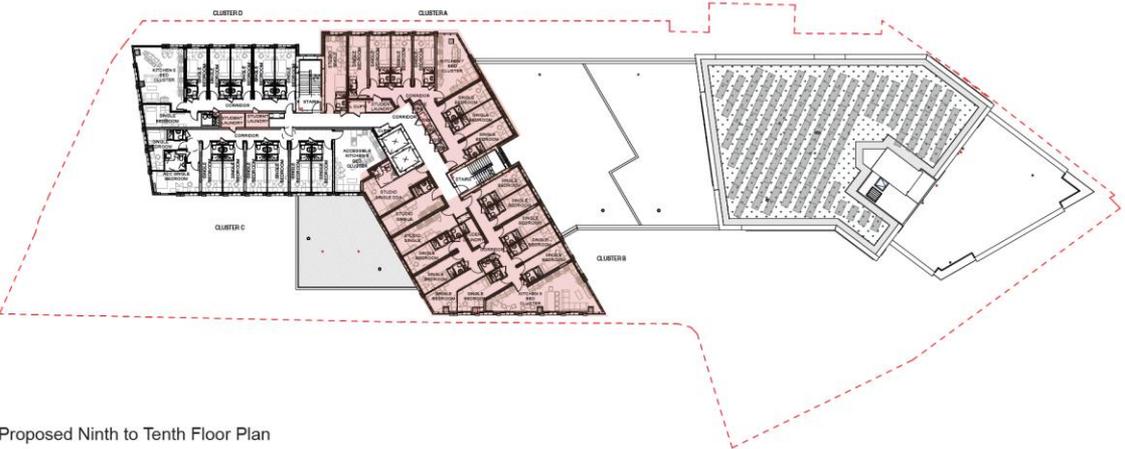
Proposed interior changes



# Proposed Ninth to Tenth Floor Plan



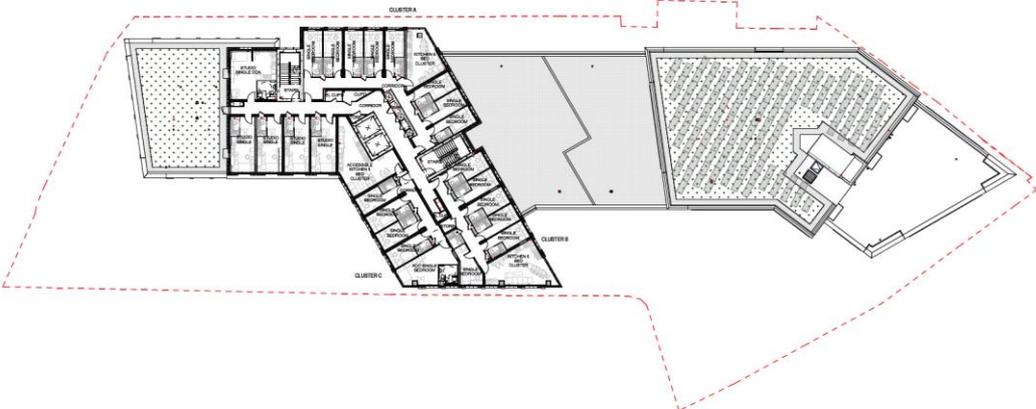
Consented Ninth to Tenth Floor Plan



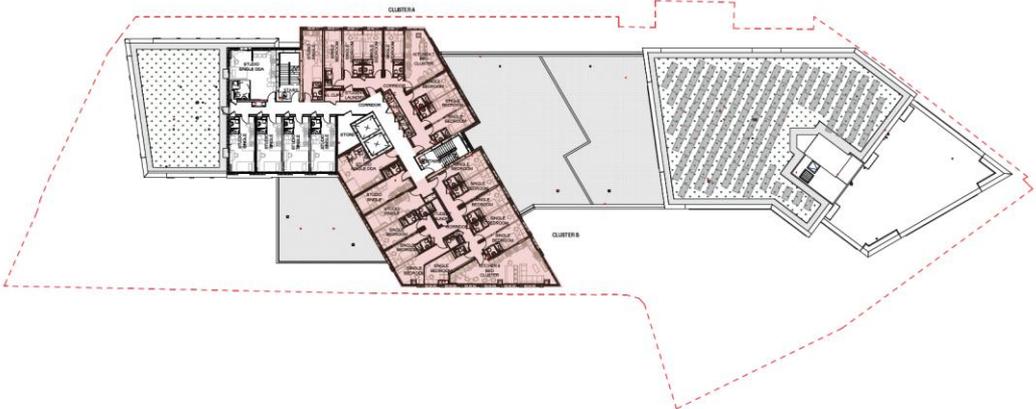
Proposed Ninth to Tenth Floor Plan

Proposed interior changes

# Proposed Eleventh to Twelfth Floor Plan



Consented Eleventh to Twelfth Floor Plan



Proposed Eleventh to Twelfth Floor Plan

Proposed interior changes

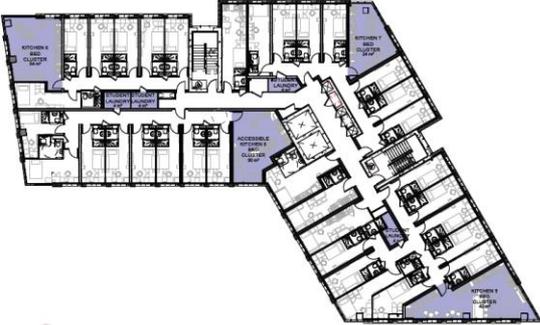
# Student Cluster Amenity

Cluster amenity space total area: **1590sqm = 4.8sqm / cluster bedroom**

Page 44



First Floor - Cluster Amenity Area



Second - Tenth Floor - Cluster Amenity Area



Eleventh - Twelfth Floor - Cluster Amenity Area



Thirteenth - Fourteenth Floor - Cluster Amenity Area

# Key planning consideration

- Whether the proposed amendments would be considered to be non-material

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## Strategic Planning Committee

### Report title:

**164-196 TRUNDLEY'S ROAD AND 1-9 SANFORD STREET, LONDON,  
SE8 5JE**

**Date:** 06 October 2022

**Key decision:** No.

**Class:** Part 1

**Ward(s) affected:** Evelyn

**Contributors:** Thomas Simnett

### Outline and recommendations

This report sets out the Officer's recommendation of approval for the below proposal.

This report has been brought before Committee for a decision at the request of the committee's chair when the planning permission to which this application relates to was approved.

## Application details

**Application reference number(s):** DC/22/127349

**Application Date:** 27 June 2022

**Applicant:** Isobel Patterson of Avison Young on behalf of Tribe Student Housing Ltd

**Proposal:** Details submitted pursuant to Condition 53 part a (Retention of Amenity Spaces) of planning permission DC/20/117966 dated 5 November 2021 at 164-196 Trundley's Road and 1-9 Sanford Street, SE8.

**Background Papers:** (1) Submission Drawings  
(2) Submission technical reports and supporting documents

**Designation:** PTAL 1b  
Flood Risk Zone 3  
Flood Risk Zone 2  
Area of Archaeological Priority  
Air Quality  
Not in a Conservation Area  
Not a Listed Building  
London Underground Zone  
Strategic Industrial Location

**Screening:** N/A

## 1 SITE AND CONTEXT

- 1 The Site itself lies south-west of Deptford Park, adjacent to Folkestone Gardens and extends to approximately 0.38ha (0.94 acres). The Site is bound by Trundley's Road to the east, Sanford Street to the south, railway lines and a Transport for London (TfL) operations building (substation) to the west and Juno Way to the north. The Site benefits from a long frontage to Folkestone Gardens.
- 2 The existing site is comprised of three main elements:
  - 1) A brick warehouse which runs along Trundley's Road used for car servicing and MOT testing;
  - 2) A terrace of two storey buildings which also run along Trundley's Road with commercial uses at ground floor level and residential above (3 no. 1 bed & 3 no. 2 bed flats);
  - 3) A smaller warehouse to the west of the site and industrial building to the south of the site associated with a recycling yard;
- 3 The surrounding area is characterised by a mix of uses, with residential dwellings predominantly situated to the north, east and south, and employment uses to the west of

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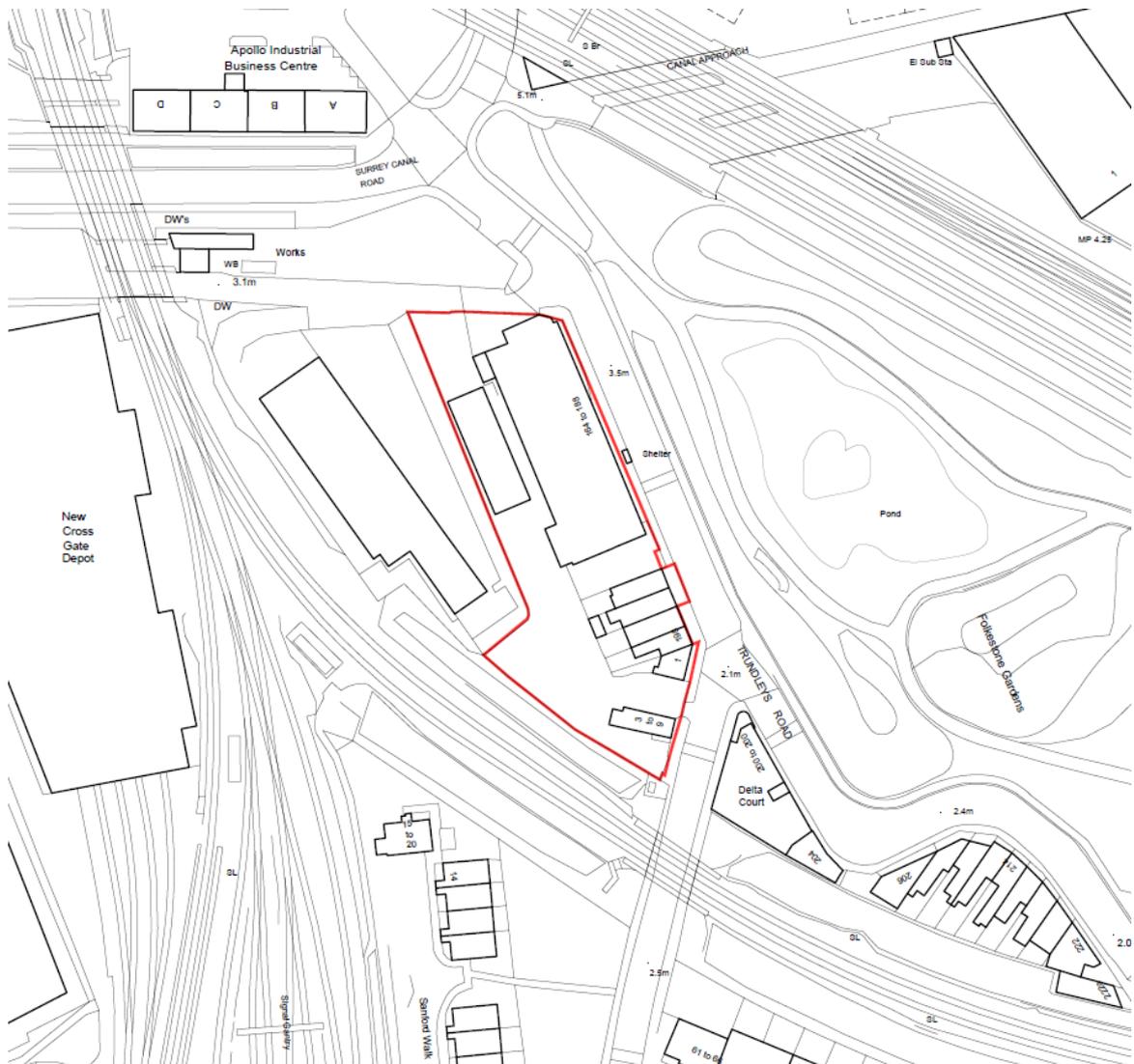
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the Site. However, the emerging context is largely characterised by new mixed-use employment and residential developments that are forthcoming in the vicinity of the Site.

- 4 The application site is outlined in Image 1 below:

**Figure 1 – Site Location Plan**



- 5 The Site is located within the south-east section of the Surrey Canal Strategic Industrial Location (SIL). The Lewisham Employment Land Study (2019) recommends that the site is designated for co-location of employment uses and other uses including residential. Further to this, the site is recommended for co-location of residential and industrial uses in the new draft Local Plan, which was published for public consultation 15<sup>th</sup> January 2021- 11 April 2021. At the current time, the draft Local Plan does not carry weight in decision making as the consultation period has yet to conclude and the plan has not been through examination to be found 'sound' in accordance with para 35 of the NPPF.
- 6 The Site is also located within an Area of Archaeological Priority and to the west boundary, the Site adjoins the railway which is designated as a Green Corridor and Site of Importance for Nature Conservation. Folkestone Gardens to the east of the Site is designated as Public Open Space and a Site of Nature Conservation Importance.

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- 7 The site falls within the Lewisham, Catford and New Cross Opportunity Area for which the London Plan sets an indicative capacity of 13,500 new homes and 4,000 new jobs over the plan period. The site has relatively low access to public transport with a Public Transport Accessibility Level (PTAL) of 1a to 2. The site is located in Flood Zone 3 as identified by the Environment Agency, as well as an Air Quality Management Area.

## 2 RELEVANT PLANNING HISTORY

- 8 **DC/20/117966:** Demolition of existing buildings and redevelopment of the site for two new buildings comprising flexible commercial floorspace (Use Class E(g)(iii)/B2/B8) at ground and mezzanine floors and residential units (Use Class C3) and purpose-built student accommodation bedspaces (Use Class Sui Generis) above, with associated access and highway works, amenity areas, cycle, car parking and refuse/recycling stores at 164-196 Trundley's Road and 1-9 Sanford Street, SE8 5JE. **Granted**

- 9 Following the grant of planning permission in 2021, a number of applications have been submitted to discharge the planning conditions and Section 106 agreement obligations.

- 10 **DC/22/127348:** Application submitted under Section 96a of the Town & Country Planning Act 1990 (as amended) for a non-material amendment to planning permission DC/20/117966 dated 5 November 2021 in order to allow for an increase of 9no. student rooms, taking the total from 393 to 402 rooms proposed; amalgamate the smaller clusters to create 9-bed clusters in direct response to the preference of universities; increase in the number of studio units to increase the choice of accommodation and a reduction in the size of Cluster A from 8-bed to 7-bed; increase in the shared amenity space at ground, basement and first floor levels; and increase of 7no. additional long-stay cycle parking spaces at basement level at 164-196 Trundley's Road and 1-9 Sanford Street, SE8. **Yet to be determined**

## 3 CURRENT PLANNING APPLICATION

### 3.1 THE PROPOSALS

- 11 This application relates to details submitted pursuant to Condition 53 part a (Retention of Amenity Spaces) of planning permission DC/20/117966 dated 5 November 2021 at 164-196 Trundley's Road and 1-9 Sanford Street, SE8.

## 4 CONSULTATION

### 4.1 APPLICATION PUBLICITY

- 12 No public consultation is required to discharge conditions.

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## 5 POLICY CONTEXT

### 5.1 LEGISLATION

- 13 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).
- 14 The consented scheme ref. DC/20/117966 was determined in accordance with the statutory development plan and taking into account all material planning considerations. This application for Approval of Details is not a planning application, the legislation for this application is under S74A (2) of the TCPA 1990. This section applies to a condition which—
- (a) has been imposed on the grant of planning permission for the development of land in England, and
  - (b) requires the consent, agreement or approval of a local planning authority to any matter, and
- 15 The application was received on 27 June 2022 and the LPA must give notice to the applicant of their decision on the application within a period of 8 weeks beginning with the day immediately following that on which the application is received by the authority, or such longer period as may be agreed by the applicant and the authority in writing
- 16 Where a local planning authority fails to determine an application for approval under a planning condition within the prescribed period, the applicant is treated as having received that approval from the local planning authority, subject to certain exemptions (deemed discharge). (Part 5 Town and Country Planning (Development Management Procedure) (England) Order 2015 (SI 2015/595))
- 17 The condition in this case seeks for specific information in relation to amenity space. The details are assessed below.

### 5.2 MATERIAL CONSIDERATIONS

- 18 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.
- 19 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.
- 20 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 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 aforementioned directions and the test of reasonableness.

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## 5.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

## 5.4 DEVELOPMENT PLAN

21 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

## 6 PLANNING CONSIDERATIONS

22 Condition 53 is attached to the planning permission which was granted on 05 November 2021 (planning reference DC/20/117966). The wording of the relevant condition is set out below:

*a) Prior to occupation of the Student Housing, details of all communal space, including but not limited to kitchens, lounges, launderette, study/workspace and outdoor spaces shall be submitted to and approved by the local planning authority. The development shall be constructed and retained in accordance with the approved details permanently for the benefit of the student occupiers.*

*b) The whole of the residential amenity spaces (including balconies and terraces) of the Affordable Housing approved shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.*

*Reason: In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy 15 High quality design for Lewisham of the Lewisham Core Strategy (June 2011) and DM Policy 32 Housing Design, layout and space standards of the Development Management Local Plan (November 2014).*

### 6.1.1 Condition 53 (Retention of Amenity Spaces)

23 To discharge this condition the applicant submitted a design statement which included details of the amenity spaces to each cluster unit, shared amenity spaces including games room, study areas, garden space and shared cooking areas.

24 Officers note that for the design of student amenity areas there is no universally agreed standards, however an industry standard of 1-1.5sqm per student is often considered an acceptable standard. This sets a standard of 1.5sqm of internal amenity space per student for schemes of under 400 units and of 1.25sqm for schemes which include 400 or more bedspaces which benefit from economies of scale. The design and use of the amenity areas depends upon the quality of the design and the creation of well-laid out spaces that enhance and add to the student experience.

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- 25 According to the submitted design statement the design of the student amenity areas for the approved scheme it has been reviewed against the TRIBE design matrix as well as HMO, London Plan and relevant design standards. The current scheme proposal would provide a shared student amenity area ratio per student of 1.3sqm, and an overall quantum of amenity area of 5.2sqm per student bed space.
- 26 The proposals seek to provide a range of high quality communal amenity space for students all of which have been designed to a high quality by an interior architect and use high quality furniture and finishes.
- 27 The design statement includes photographs of the amenity areas of the student accommodation, they clearly demonstrate that the amenity areas will be of a very high design quality and have an appropriate level of space per cluster flat.
- 28 The details submitted cover the following shared amenity areas:
- Student lounge at ground floor;
  - Games area at Level 1;
  - Study rooms at Level 1;
  - External amenity space at Level 1;
  - Gaming/gamer room at Level 1;
  - Laundry facilities;
  - Communal kitchens serving the cluster units
- 29 The studio units have access to their own cooking facilities within the unit itself, whereas the units within a cluster will share kitchen facilities with other units within their cluster.
- 30 The size of cluster units are a range of 6-, 7- and 8- and 9-bed clusters across the scheme. The larger cluster units are in direct response to the preferences of universities who prefer larger clusters of units which share a single communal kitchen, particularly for first year students, as this helps foster a greater sense of community encourages social interaction and reduces the possibility for social isolation.
- 31 Officers note that the communal kitchens have been designed in accordance with the guidance for HMOs to ensure that there are sufficient facilities and amenities for the number of people using the kitchen, including in terms of the number of ovens, fridges and dining furniture for example. All cluster units are served by at least 4sqm of communal amenity space for that unit (when taking into account the communal kitchens and laundry facilities) and the average across the scheme is 4.6sqm per student (1,590sqm of amenity space at upper floors shared between 339 units). The largest of the cluster units (9-bed) is served by 46sqm of communal amenity space, equating to 5.1sqm per unit.
- 32 All units will also have access to the shared amenity spaces at ground and first floor level as highlighted above. These spaces have been designed to be of a high quality, flexible and usable for future residents and equates to a total of 515sqm
- 33 It should be noted that this application to discharge Condition 53 is submitted in conjunction with a non-material amendment application (DC/22/127348) to increase the number of student bedspaces to 402 and therefore the benchmark of 1.25sqm applies. The proposals exceed this by providing 1.3sqm of internal communal amenity space per student when taking into account the amenity spaces at basement, ground and first floor

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level. Including the external amenity space (203sqm) in this calculation takes the ratio to 1.8sqm.

34 Furthermore, when taking into account all other amenity spaces (including shared kitchens, laundry rooms and external amenity space), the quantum of amenity space equates to 5.2sqm per student bedspace.

35 The games space has been located and orientated to maximise views of Folkestone Gardens and provide a good outlook and amenity for future residents. While the study rooms will include desk and computer space for private workspace, as well as flexible spaces and meeting rooms for opportunities for larger group work.

36 Officers are satisfied that the submitted details demonstrates that the approved student accommodation would be of a high design quality and provide a level of amenity which is now regarded as standard in the student accommodation sector.

## **7 LOCAL FINANCE CONSIDERATIONS**

37 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).

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

39 The CIL is not liable on this application and as such is not a material consideration.

## **8 EQUALITIES CONSIDERATIONS**

40 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.

41 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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- 42 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.
- 43 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>
- 44 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
- 45 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>
- 46 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

- 47 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
  - Protocol 1, Article 1: Right to peaceful enjoyment of your property

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- 48 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.
- 49 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.
- 50 The rights potentially engaged by this application, including Article 8: Respect for your private and family life, home and correspondence; Protocol 1, Article 1: Right to peaceful enjoyment of your property are not considered to be unlawfully interfered with by this proposal.

## 10 CONCLUSION

- 51 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 52 In assessment of the details submitted to discharge Condition 53 Officers consider that the overall amenity space offer for students is of a high quality and successfully responds to the needs of future occupiers.

## 11 RECOMMENDATION

- 53 That the Committee resolve to **GRANT** discharge of Condition 53 (Retention of Amenity Spaces) subject to the informatives as set out in this report.

### 11.1 INFORMATIVES

- 1) Please be advised that the drawings submitted for this application, namely the design statement have been assessed only in relation to the conditions as referred to on this application and do not provide acceptance or otherwise pertaining to any other outstanding conditions or subsequent applications.
- 2) **Remaining Conditions to be Discharged**

The applicant is reminded that the following conditions are still outstanding and needs to be discharged:

  - Condition 4 - Materials
  - Condition 5 - Soft Landscaping
  - Condition 6 Hard Landscaping (excluding Section 278 works)
  - Condition 8 - Commercial Frontage Design
  - Condition 9 - Details of Screening (Student and Residential Amenity Interface)
  - Condition 12 (b) – Details of Demolition, Excavation and Construction Works;
  - Condition 12 (b) – Details of Demolition, Excavation and Construction Works
  - Condition 23 – Site Contamination (remaining parts)

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- Condition 24 - Thames Water (Waster Water)
- Condition 25 - Thames Water (Water)
- Condition 26 - Secured by Design
- Condition 28 - Fire Statement
- Condition 31(c) - Living Roof Details
- Condition 33 - Lighting Strategy
- Condition 34 - Lighting Strategy
- Condition 35 - Ecological Benefits
- Condition 38 - Refuse Management Plan
- Condition 40 - Delivery and Servicing Management Plan
- Condition 41 - Electric Vehicle Charging Points
- Condition 42 - Cycle Parking
- Condition 43 - Heat Interface Unit Specification
- Condition 44 - Mechanical Ventilation System
- Condition 45 - Details of Shutters
- Condition 47 - Fixed Plant Nose Control
- Condition 49 - Winter Garden Screens
- Condition 50(b) - BREEAM (Commercial Units)
- Condition 50(c) - BREEAM (Commercial Units)
- Condition 54 - Open Space Management and Maintenance Plan
- Condition 53 - Details of Drainage
- Condition 57 - Resident's Information Pack
- Condition 58 - Dust, Noise and Vibration Management Plan
- Condition 61(c)&(d) – Radio & GSMR infrastructure

## 12 BACKGROUND PAPERS

- (1) Submission Drawings
- (2) Submission technical reports and supporting documents

## 13 REPORT AUTHOR AND CONTACT

54 Thomas Simnett [thoma.simnett@lewisham.gov.uk](mailto:thoma.simnett@lewisham.gov.uk) 020 8314 6284

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# Site Location Plan



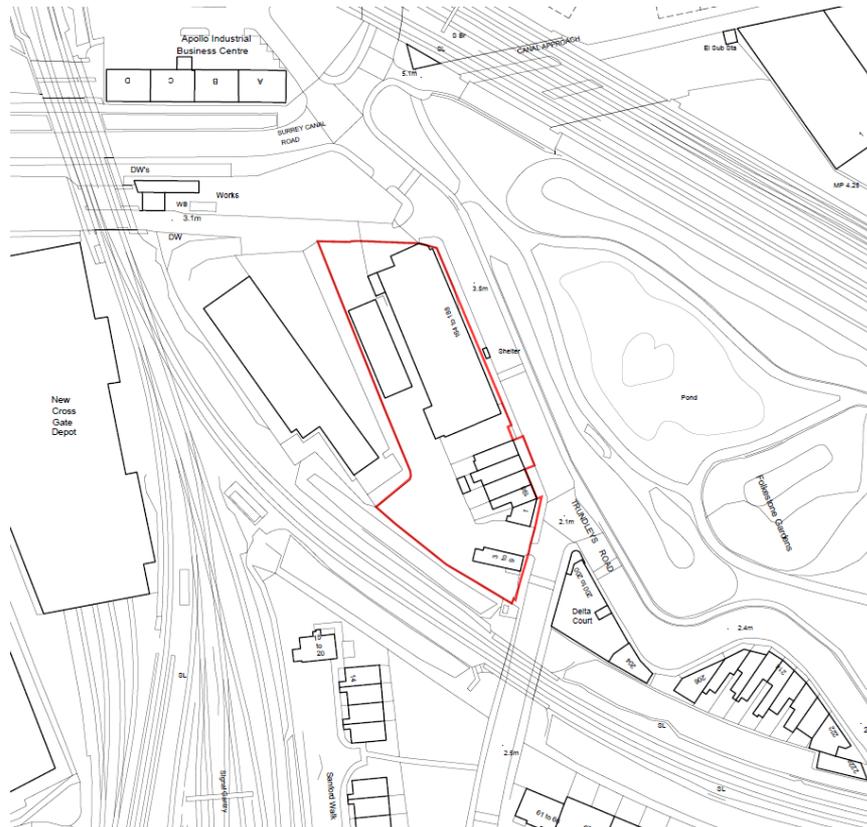
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# **164-196 TRUNDLEY'S ROAD AND 1-9 SANFORD STREET, SE8 5JE**

**Application No. DC/22/127349**

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

**Details submitted pursuant to Condition 53 part a (Retention of Amenity Spaces) of planning permission DC/20/117966 dated 5 November 2021 at 164-196 Trundley's Road and 1-9 Sanford Street, SE8.**



Site Location Plan

# Proposed Details

# Consented Building





TRIBE - Example of student amenity space



TRIBE - Example of student amenity space



TRIBE - Example of student amenity space



TRIBE - Example of student amenity space



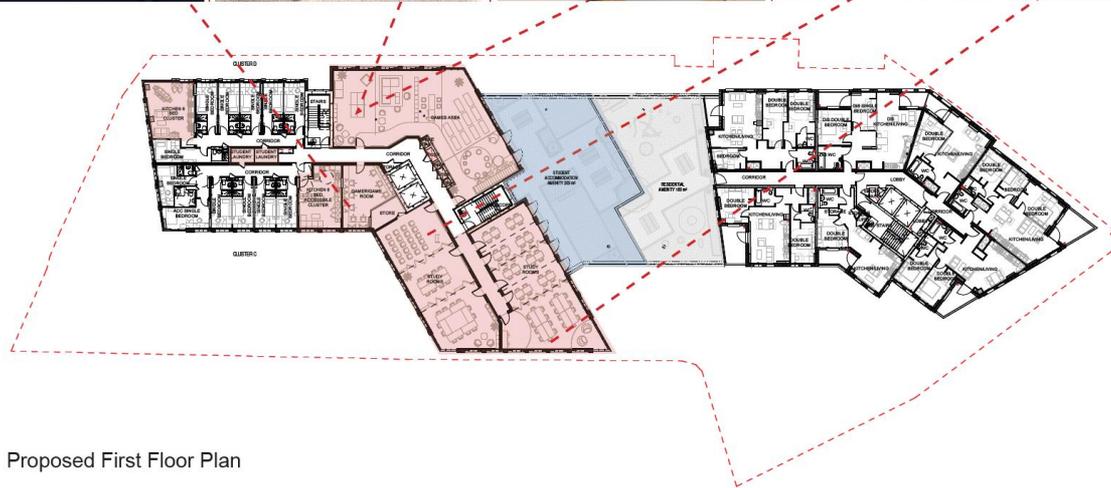
TRIBE - Example of student amenity space



TRIBE - Example of student amenity space

# Standard of student amenity space

# Examples of proposed amenity rooms



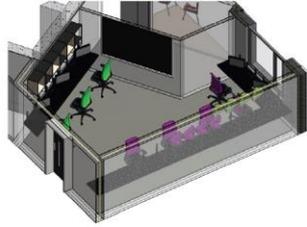
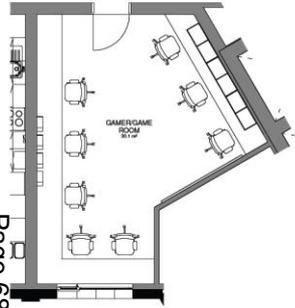
Proposed First Floor Plan

- Communal Amenity Areas
- External Communal Amenity Areas

# Gamers Room

# Student Games Room

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Examples of Games/Gamer Room



Examples of Student Games Room

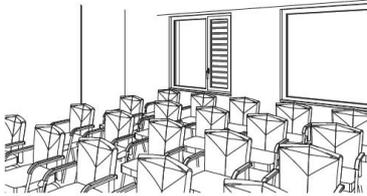
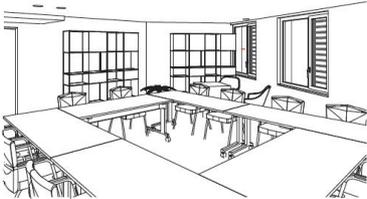
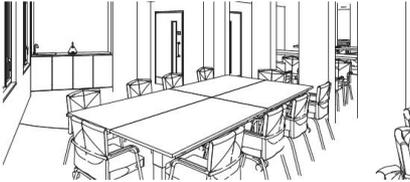
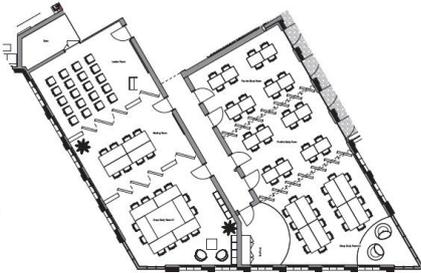


Finishes



# Student Study Room

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## Finishes

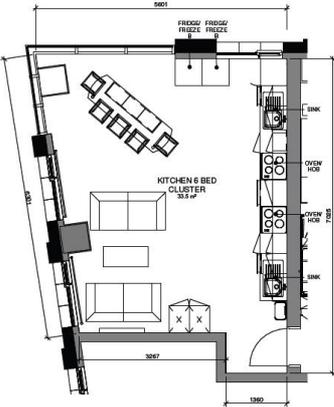


# Student Amenity Terrace



# Student Cluster Kitchen

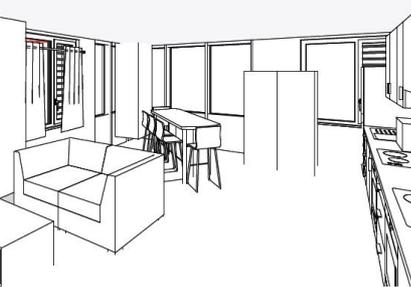
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Finishes



Examples of Student Cluster Kitchens



# Key planning consideration

- Whether the submitted details are sufficient to discharge Condition 53 part a



## Strategic Planning Committee

Lewisham Playtower, Ladywell Road, London, SE13 7UW

**Date: 6 October 2022**

**Key decision: No.**

**Class: Part 1**

**Ward(s) affected: Ladywell**

**Contributors: Alfie Williams**

### **Outline and recommendations**

This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision due to the submission of 16 individual objections.

## Application details

<b>Application reference number(s):</b>	DC/22/126038 – Planning Permission DC/22/125927 – Listed Building Consent
<b>Application Date:</b>	09 March 2022
<b>Applicant:</b>	Guildmore
<b>Proposal:</b>	Repair, restoration and change of use of the listed building at Lewisham Playtower, Ladywell Road SE13, as a multi-screen cinema (Sui Generis) together with the construction of a part 1/part 3 storey residential block and a part 1/ part 5 storey residential block, together with the provision of bin storage, associated landscaping, boundary enclosures and plant room.
<b>Background Papers:</b>	(1) Submission Drawings (2) Submission technical reports and supporting documents (3) Internal consultee responses (4) External consultee responses (5) Local meeting minutes
<b>Designation:</b>	Grade II Listed Building Air Quality Management Area Area of Archaeological Priority Flood Risk Zone 2 Flood Risk Zone 3 Lewisham Major District Centre PTAL 6a St Mary's Conservation Area
<b>Screening:</b>	N/A

## 1 SITE AND CONTEXT

### *Site description and current use*

- 1 Lewisham Playtower is a two storey Victorian building located on the southern side of Ladywell Road. The building was previously known as Ladywell Baths and features a distinctive water tower on the front elevation that projects above the ridge of the roof. The site has an area of 0.33ha and includes the area surrounding the building which is heavily planted and features several mature trees. The site borders the Coroners Court to the east, St Mary's Churchyard to the south and St Mary's Church Hall to the west. The closest residential building is the six storey St Peter's Garden building located on the former police station site to the south-east.

Figure 1. Site Plan

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- 2 Originally the building was used as a bath house. This use ceased in 1964 from which point the building was used as a community space up until 2004. From 2004 onwards the building has been vacant. The Playtower is currently on Historic England's Buildings at Risk Register which notes that it has been unoccupied for over a decade and is in poor condition, with the second class pool hall being badly damaged following a fire.

***Character of area***

- 3 The surrounding area displays a mixed character with both commercial and residential uses close to the site. The properties in the immediate vicinity, on the southern side of Ladywell Road, are of similar architecture to the Playtower, which reflects their former civic status. To the east of the site and fronting onto Ladywell Road is the three storey Coroner's Court building which has two prominent decorative gables on the front façade. Behind the Coroner's Court is the Mortuary, which also stands at three storeys in height. The opposite side of Ladywell Road is mainly residential characterised by three storey Victorian properties. The side roads to the north are also residential but step down in height to two storeys.
- 4 The site is located 200m from Ladywell neighbourhood centre, which features parades of shops either side of the road. The parades accommodate a range of uses including retail, restaurants, cafés and a public house. Ladywell is also included within the wider Lewisham Major Town Centre and is identified as a character area within the Lewisham

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Town Centre Local Plan. The site is approximately 450m from Lewisham Shopping Centre.

### **Heritage/archaeology**

- 5 Lewisham Playtower is a Grade II Listed Building dating from the late Victorian era. The significance of the building lies in its historical, aesthetic, and communal value as a purpose-built Victorian public baths, known historically as Ladywell Baths. The civic status of the building is reflected in the Venetian gothic architecture. The most significant external feature is the tower, from which the Playtower name is derived. The tower acts as a local landmark and originally included a conical roof.
- 6 Internally, the area of highest significance is the first class pool hall (Main Pool) which features an open curved brace timber roof with an ironwork gallery on three sides. The remainder of the interior is relatively plain. Much of the historic plan form survives with the exception of the second class pool hall which has been demolished. The interior of the building is in very poor condition: this is both structurally through decay but also through vandalism, which has resulted in small scale fires, damage to the windows and graffiti throughout.
- 7 Lewisham Playtower is located within the St Mary's Lewisham Conservation Area, which is centred on the neighbouring Grade II\* St Mary's Church. Alongside, are the Coroner's Court, Police Station, and Fire Station (all Grade II listed). The building forms a key component of the Victorian civic cluster of buildings, which characterise area and contribute positively to the Conservation Area.
- 8 The site is also within an Architectural Priority Area.
- 9 The building is Grade II Listed with the following listed with the list entry:

*GV II Public baths, 1884, by Wilson & Son and Thomas Aldwinkle. Gothic style.*

*MATERIALS: Red brick entrance front with some blue brick details and sandstone dressings with slate roof with brick chimneystacks.*

*PLAN: Entrance lobby to north with rooms for caretaker on the upper floors, first class swimming pool hall running north to south, second class pool hall to rear of the building and a series of changing and bathing rooms to the east.*

*EXTERIOR: Principal red brick front to Ladywell Road to the north comprises three sections: the gable end of the pool hall; a central round tower; and the entrance block. The first section is readable externally as the pool hall; the raised ridge lantern skylights and the raking dormer clerestory to the front, enlivened with circular and arched window panes are both visible. This section of the elevation has three large arched openings, each having a patterned brick tympanum, a sandstone lintel over three-light mullion and transom windows (again with circular and arched panes) and sloping blue brick sills. The arches have hood mouldings and sit under a moulded sandstone cornice, with arched indents. The pool hall is flanked by two smaller sections which give the impression of turrets, having sandstone capping pierced with arched openings and steep pitched slate roofs. Central tower: moulded stone bands divide the plinth, the ground floor and the first floor and the tower has five bays of arched windows with moulded surrounds under a stringcourse of blue brick which traces the curve of the arches. Those to the ground floor have patterned brick tympana and sloping sills; those to the first floor have circular window openings and small circular indents punctuating the sandstone tympana. The*

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central window on the first floor is a sandstone two-light oriel window supported by a corbel course and capped with grey slate. The cap of the oriel is tall, and reaches up to the sandstone cornice, a more elaborate version of the pool hall section cornice. The tower had a conical slate roof but this was been removed in the C20. The final section of the façade has a pitched roof, a simple moulded sandstone cornice and an advancing bay at the east end. This has three-light mullion windows to both storeys. The recessed part has a two bay low-sprung arcade with stone stiff-leaf capitals on the ground floor and two two-light mullioned windows on the first floor.

The side elevations are in grey stock brick, with regular window openings and form dictated by the internal plan and functions. To the rear, the second class pool has suffered from an arson attack in 2006 and only its ground floor walls survive. It is therefore not of special interest. The gable end of the first class pool is visible, with its central round window and two round-headed windows beneath. This has a small amount of rebuilt brickwork at the apex. Curved end to main block. In a courtyard in the centre of the building is the tall battered boiler chimney, with a stepped brick stringcourse at its peak.

*INTERIOR:* Impressive first class pool hall with an open curved brace timber roof with a slender iron tie beam and a gallery on three sides with iron balustrade carried on cast iron columns. The hall is lit by the skylights which run along the ridge of the roof. The changing cubicles that would have run alongside the pool underneath the gallery have been removed. The pool has been covered over and it is thought that its glazed bricks were replaced by tiles in the C20. The second class pool hall has been subject to a serious fire and is no longer of interest. It had a shallow timber king post roof and skylights along the ridge, but the rafters are now badly burnt and the skylights have gone.

Otherwise, the interior is largely intact though very plain. Several rooms contain single slender iron columns supporting the roof, others retain small sections of panelling, but the changing and bathing rooms are on the whole bereft of the tile-work, partitioning or slipper baths that might once have been present.

### **Local environment**

- 10 Ladywell Fields is located 100m to the west of the site. The River Ravensbourne flows runs through Ladywell Fields and therefore the area is designated as being within Flood Risk Zone 3. The site is also located within an Air Quality Management Area.

### **Transport**

- 11 The site has a PTAL of 6a, which indicates an excellent level of public transport accessibility. This is due in part to the proximity to Ladywell Train Station (150m to the west). Ladywell Road is also served by several bus stops and the site is within walking distance of Lewisham High Street, which provides access to other bus routes. Lewisham Station is within 1km of the application site.

## **2 RELEVANT PLANNING HISTORY**

### **Planning Permissions**

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- 12 DC/12/81309: The change of use of part of the West Wing, First Floor, Lewisham Playtower, Ladywell Road SE13, to provide a temporary one bedroom warden's flat – granted 12 November 2012.

***Pre-applications & Design Review Panel***

- 13 The applicant engaged in a long pre-application process, which ran from February 2018 until December 2019 and included seven formal pre-application meetings and a Design Review Panel. The scheme set out with the intention to secure and restore the Playtower as well as to provide residential accommodation within two buildings to the east and south. The Playtower would accommodate a cinema as well as other potential uses that were to be explored within the pre-application process.
- 14 For the first pre-app the two residential buildings had block designs with flat roofs. The eastern building started at four storeys and the southern five storeys, accommodating 45 residential units. The design of the buildings evolved through the pre-application process. During this process the scale and massing of the buildings progressed through various iterations with options explored including setting in the top storeys, reducing the height of the eastern building and alternative roof forms.
- 15 As part of the pre-application process the scheme was reviewed at a Design Review Panel held on 22<sup>nd</sup> August 2018. The Panel were in general supportive of the scheme concluding that the approach to the heritage asset and the repurposing of the existing building were very well considered. The review supported the principle of the new cinema pod being located within the former First Class baths subject to the details of the juxtaposition of the new form with the historic baths. The bulk and massing of the residential blocks was assessed to be proportionate and the pitched roof appropriate for the context. The three and five storey height of the blocks was judged to be the maximum the site could support. Finally, the Panel recommended that further work be undertaken on the detailing of the new buildings, the impacts to neighbouring amenity and the landscaping scheme.
- 16 The pre-application process arrived at the current design which utilised pitched roofs for both buildings and with the height of the eastern building reduced to three storeys. The evolution of the design is illustrated in Table 1 below.

**Table 1. Comparison between the design of the scheme at the first pre-app and the current design.**

First Pre-application	Current Scheme
-----------------------	----------------

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- 17 The pre-application process resulted in a reduction to the overall quantum of residential units from 45 to 33. The viability of the current 33 unit scheme was tested through the submission of a Financial Viability Assessment and review by GL Hearn. The review carried out in 2019 found that at 33 units the scheme could not viably support a contribution to affordable housing. Subsequently options were explored that would allow an affordable housing contribution, including a 40 unit scheme that would have provided four affordable residential units. This scheme was rejected by Officers as the resultant increase to the massing required to facilitate an affordable housing contribution would cause harm to the setting of the heritage asset.
- 18 The pre-application process also explored additional uses for the Playtower to complement the cinema. These included a nursery, café/restaurant and office workspace. The nursery was rejected at an early stage as the Church Hall next door already accommodates a nursery. The various design iterations at pre-application included the option to include workspace or a café/restaurant. These uses have been omitted from the current scheme in favour of ancillary food and drink services for the cinema.

### **3 CURRENT PLANNING APPLICATION**

#### **3.1 THE PROPOSALS**

- 19 The proposed development would see the restoration of the exterior and internal areas of the Playtower to facilitate a change of use to provide a four screen cinema. At ground floor the main entrance would be on the eastern half of the building, which opens out onto the first class pool area. This area would be converted to provide the ticket office and café/bar providing the food and beverage services. The main cinema screen pod (Cinema 1) would be sunken into the main pool tank. Cinema Pod 2 would be installed at basement level along with the toilet facilities. At first floor level would be two smaller screen pods (Cinema's 3 and 4) in addition to a hospitality area. Overall, the cinema would have a capacity of up to 300 seats.
- 20 The works would require a number of internal alterations to facilitate the conversion. These works would include the new flooring in the first class pool, the reinstatement of the gallery at ground floor level, new wall openings at ground floor level and alterations

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to the first floor layout. The internal courtyard would be enclosed at roof level by a slated roof featuring glazed lanterns.

- 21 The development would also require works to the exterior of the building. These works would include the retention and restoration of the existing windows including the installation of new double-glazing. The eastern and southern elevation of the second class baths would be demolished and rebuilt with the existing brickwork reused. A pitched slated roof would be added to the flat roof of the 1930s extension. The conical roof to the tower would be restored to replicate the original design.
- 22 Two new buildings would be constructed within the grounds of the Playtower. The two blocks would provide 33 residential units: one to the south and one to the east of the original building. The southern building would be a part-two, part-four, part-five storey block comprised of 23 residential units. The building would be constructed from yellow stick bricks and would feature dual pitched roofs. To the east would be a three storey block providing 10 self-contained flats. The eastern block would feature red brickwork with slated pitched roofs. The buildings would require the removal of seven individual trees and three groups of trees.
- 23 The forecourt to the front and side of the buildings would be landscaped with new areas of planting and hard surfacing. The forecourt would also be utilised for cycle parking and servicing, as well as accommodating three blue badge car parking spaces.

## 4 CONSULTATION

### 4.1 PRE-APPLICATION ENGAGEMENT

- 24 A Statement of Community Involvement Report (Becg, February 2022) has been submitted in support of the application documenting the consultation undertaken by the applicant prior to the submission of the application. The report details that in addition to meeting with Council Officers, the applicant carried out meetings with a series of other relevant stakeholders over a period of two years from November 2017 until December 2019. These included meetings with the Mayor of Lewisham, local Ward Councillors, Historic England, the Lewisham Building Preservation Trust, Ladywell Traders' Association and St Mary's Church.
- 25 Following the stakeholder meetings the applicant held a public exhibition in January 2020. The exhibition comprised two events held on 16 January 2020 and 18 January 2020 and included display boards providing an overview of the scheme. In addition, members of the application team, including planning consultants, architects and the cinema operator were in attendance to answer questions. The consultation had a digital element including a website (<http://ladywellplaytower.co.uk/>) carrying information about the scheme, the history of the site and information about the exhibition.
- 26 A total of 2,678 households were invited to the events and over the two days 218 people attended. In total 105 valid feedback forms were submitted in response showing high levels of support for the restoration of the building and the delivery of a mixed-use scheme.
- 27 A second consultation event and exhibition was carried in December 2021 this included a physical exhibition held on 13 December 2021 as well as an online exhibition (<https://ladywellplaytower.consultationonline.co.uk/>) held 13-17 December 2021. For these events a social media advert was produced reaching more than 3000 people and

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2,366 households were invited by post. This time 54 people attended the exhibition in person. The online exhibition had almost 400 individual users, which equated to 1,056 page views. In response 54 feedback forms were submitted and similar results received in terms of support for the project.

## 4.2 APPLICATION PUBLICITY

28 Site notices were displayed on and a press notice was published on 30 March 2022.

29 Letters were sent to residents and businesses in the surrounding area as well as to the relevant ward Councillors and the Ladywell Society on 29 March 2022.

30 26 responses were received in response to the application for planning permission, comprising 16 objections and 10 comments in support. For the Listed Building Consent application three representations were submitted comprising two objections and one comments in support.

31 A second period of consultation was undertaken on 18 July 2022 due to the submission of revisions securing changes to the second floor windows and balconies/terraces on the southern elevation of the East Block and the windows in the eastern elevation of the South Block to include privacy screening. No representation were received in response to the second period of consultation.

### 4.2.1 Comments in objection

Comment	Para where addressed
Quality of the cycle parking	233-236
Increased parking stress	237-242
Loss of privacy	252-257
Loss of light	258-272
Increased noise and disturbance	273-279
Harm to biodiversity & wildlife	306-315
Loss of trees	317-328

### 4.2.2 Comments in support

Comment	Para where addressed
Community and economic benefits of the cinema to the surrounding area	66-69
Contribution to housing supply	70
Save and restore the Grade II Listed Building	71, 168-202
Enhance the character and appearance of the surrounding area (including the Ladywell Conservation Area)	198

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### 4.2.3 Neutral comments

32 The Ladywell Society confirmed that they do not object to the development but raised the following concerns.

Comment	Para where addressed
Inadequate light levels for the proposed residential accommodation	258-272
External features such as the coin gouges should be preserved	190-192
Parking stress	237-242
Absence of PV Panels	284-288
The planting and wild life enhancements should be improved	306-315
The bat surveys have expired	314-315

### 4.2.4 Local meeting

33 Due to the number of submissions received, a virtual Local Meeting was held on Tuesday 21<sup>st</sup> June 2022. The meeting was chaired by Councillor Liz Johnston-Franklin. A record of the Local Meeting is contained in Appendix 1 of this report. The issues raised at the Local Meeting where consistent with the matters raised in the written submissions as summarised above.

## 4.3 INTERNAL CONSULTATION

34 The following internal consultees were notified on 29 March 2022.

35 Conservation: did not raise objections to the development subject to conditions, see paras 168-202 for discussion.

36 Ecology: raised concerns with the proposal due to the proposed loss of biodiversity and failure to meet the London Plan target Urban Greening Factor score. Also highlighted that the bat surveys were out of date. In response new bat surveys were undertaken and the biodiversity and urban greening measures revised, See paras 311-316 for discussion.

37 Environmental Protection: no objections subject to conditions for the site contamination, air quality and construction management.

38 Flood Risk Team: no objection to the scheme following the submission of a revised SuDS Report.

39 Highways: no objections subject to conditions and planning obligations set out in the Transport section of this report.

40 Sustainability Team: no objection subject to a condition securing the energy strategy and a planning obligation securing a carbon offset contribution.

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41 Tree Officer: raised concerns with the proposed development due to the loss of existing trees on site, potential post development pressure on the trees to be retained and the failure to achieve the required UGF score.

## **4.4 EXTERNAL CONSULTATION**

42 The following External Consultees were notified on 29 March 2022:

43 Met Police (Design Out Crime Officer): No objection subject to securing Secured by Design accreditation.

44 Environment Agency: no objection subject to conditions for surface water management, piling and site contamination.

45 GLAAS: raised no objections subject to conditions, see paras 207-209 for discussion.

46 Historic England: submitted comments expressing strong support for the proposals as the scheme would address the extensive conservation needs of the building through providing a new use that should secure its long-term future and enliven this part of the St Mary's Conservation Area.

47 London Fire Brigade: no objection.

48 Thames Water: no objection raised but requested a number of informatives in relation to underground water, mains water, groundwater, surface water and waste water. Also requested a condition for a piling method statement.

49 Victorian Society: commented in support of the application due to the significant benefits of restoring the building. This support is subject to the restoration of the railings on the front boundary. The Society have also requested that they be consulted on the discharge of the listed building consent conditions.

## **5 POLICY CONTEXT**

### **5.1 LEGISLATION**

50 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).

51 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

### **5.2 MATERIAL CONSIDERATIONS**

52 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.

53 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

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54 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 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 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**

55 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

### **5.5 SUPPLEMENTARY PLANNING GUIDANCE**

56 Lewisham SPD:

- St Mary's Conservation Area Character Appraisal (March 2007)
- Ladywell Conservation Area Character Appraisal (March 2010)
- Planning Obligations Supplementary Planning Document (February 2015)

57 London Plan SPG:

- Planning for Equality and Diversity in London (October 2007)
- Play and Informal Recreation (September 2012)
- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Housing (March 2016)
- Homes for Londoners: Affordable Housing & Viability (August 2017)
- Energy Assessment Guidance (October 2018)

## **6 PLANNING CONSIDERATIONS**

58 The main issues are:

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- Principle of Development
- Housing
- Urban Design
- Impact on Adjoining Properties
- Transport
- Sustainable Development
- Natural Environment
- Planning Obligations

## 6.1 PRINCIPLE OF DEVELOPMENT

### *General policy*

59 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. Para 208 encourages LPAs to assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

60 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*

61 LP Objective GG2 supports the development of brownfield land, particularly in Opportunity Areas.

62 LP Policy H1 seeks to optimise the potential of housing delivery, especially on sites with good public transport access level (PTALs) of 3-6 and close to town centres. The target set for Lewisham in the LP is 16,670 homes between 2019-29, or 1,667 as an annualised average.

63 LPP S1 states that redundant social infrastructure should be considered for full or partial use as other forms of social infrastructure before alternative developments are considered.

64 LPP SD6 states that the vitality and viability of London's varied town centres should be promoted and enhanced.

65 CSP 20 is consistent with the London Plan and aims to protect and enhance social and community infrastructure.

66 LTCP 7 states that the Ladywell Policy Area is designated for mixed use development with the Playtower identified as a priority to bring back into community use.

### *Discussions*

67 The application site was last in use as a community facility in 2004 and has remained vacant thereafter. LPP S1 is clear that a redundant use is not necessarily sufficient justification for the loss of social infrastructure. The site is also identified for community

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use within LTCP 7. Para 208 of the NPPF is indirectly relevant: while this is not considered a departure from the development plan, the NPPF clearly envisages the potential for development which secures the future conservation of a heritage asset carrying very significant weight. In this case, the period of vacancy and the highly dilapidated condition of the building mean that the previous use has effectively been abandoned. Therefore, the proposed development would not result in the loss of a viable community use.

- 68 At present the only cinema in the borough is the temporary cinema at Catford Mews. At the beginning of the pre-application process the intention was that the site would deliver the borough's first cinema. This would no longer be the case given that the Lewisham Gateway development will deliver a cinema and is at a more advanced stage of development than the application site. That said the site would still deliver an improvement to the provision of cultural services within the borough.
- 69 The provision of the cinema would also deliver benefits to the viability and vitality of Ladywell local shopping parade as well as the wider Lewisham Town Centre thereby enhancing the night-time economy in accordance with the principles of LPP SD6. These are planning merits of the scheme that carry weight within the overall planning balance. The Cinema use falls outside the use classes system (Sui Generis) so could not change use without an application for planning permission.
- 70 LTCP 7 identifies Ladywell as a suitable location for mixed-use development. As such, the principle of introducing residential accommodation to the site is supported. Utilising previously developed land to deliver housing would accord with the principles of the NPPF and London Plan. Furthermore, the site is located within a town centre with an excellent PTAL so is one more sustainable locations in the borough for intensification. The residential units would make a positive contribution to local housing targets delivering 33 flats and therefore is assessed to be a further merit of the scheme that would carry weight within the overall planning balance.
- 71 Finally, Lewisham Playtower has been included on Historic England Heritage at Risk Register and is identified by the Victorian Society as one of the top ten most "at risk" Victorian buildings in the England. The heritage impact of the proposed development is considered in detail further on within this report. However, the principle of restoring the significance and safeguarding the future of the building carries substantial weight within the overall planning balance and is strongly supported. It is also relevant that the development has been supported by Historic England and the Victorian Society. The S106 will include an obligation securing that these works are completed and the cinema fitted out prior to the occupation of the final eight residential units.

### **6.1.1 Principle of development conclusions**

- 72 The proposed development would provide a new cinema, which as it stands would be the first permanent cinema in the borough thereby enhancing the provision of culture and services in the borough. The cinema would also contribute to the vitality and viability of the night-time economy in the town centre, delivering economic benefits. Accordingly, the proposed change of use is assessed to be compliant with the principles of LPP S1, LLP SD6, CSP 20 and LTCP 7.
- 73 Paragraph 199 of the NPPF is clear that great weight must be given to an asset's conservation and the more important the asset, the greater the weight should be. The restoration of the Grade II Listed Building on the at-risk register is therefore attributed significant weight in the overall planning balance and would secure the optimum viable use for the building moving forward. The contribution towards local housing targets is a

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further planning merits of the scheme. For those reasons the principle of development is strongly supported.

## 6.2 HOUSING

74 This section covers: (i) housing density; (ii) the dwelling size mix; (iii) the standard of accommodation; and (iv) total affordable housing proposed and its tenure split.

### 6.2.1 Housing density

#### *Policy*

75 National and regional policy promotes the most efficient use of land.

76 LPP D2 sets out that the density of development proposals should consider, and be linked to, the provision of future planned levels of infrastructure and be proportionate to the site's connectivity and accessibility by walking, cycling and public transport to jobs

77 LLP H10 states that schemes should generally consist of a range of unit sizes. This is supported by CSP 1.

78 CSP SP1 expects higher density in Lewisham.

#### *Discussion*

79 Table 1 below sets out the measures of density criteria required by the supporting text to LPP D3 (para 3.3.22 of the LP) for all sites with new residential units.

**Table 1: Measures of Density**

Criteria	Value	Criteria/area
Site Area (ha)	0.33	n/a
Units	33	100
Habitable rooms	80	242.42
Bedrooms	47	142.42
Bedspaces	93	281.81

80 Table 2 below sets out the measures of height and scale of each building or major component in the development required by the supporting text to LPP D3 (para 3.3.23 of the LP) for all major proposals.

**Table 2: Additional Major criteria**

Criteria	Value
Site Area (sqm)	3300
Floor Area Ratio (GEA of all floors/site area)	1.75

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Site Coverage Ratio (GEA of ground floors/site area)	0.61
Maximum height (m above ground level) Playtower	20.8m
Maximum height (m above ground level) Southern Block	18.7m
Maximum height (m above ground level) Eastern Block	11.2m

81 Tables 1 and demonstrate that the total density for the site is moderate for all measures. LPP D2 advises that density should be linked to the provision of infrastructure for the area and accessibility in terms of sustainable transport modes. The PTAL of 6a and location within a Major District Centre indicate that high levels of density can be supported sustainably and as such the proposed density is comfortably within acceptable levels.

82 The proposed maximum building heights are above 18m but would not exceed 6 storeys so are not considered to meet the definition of a tall building as defined by LPP D9.

#### *Summary*

83 The proposed housing density is considered appropriate for the site context.

### **6.2.2 Dwelling mix**

#### *Policy*

84 LPP H10 details that schemes should consist of a range of unit sizes and sets out several factors that should be considered when determining the appropriate housing mix. The policy sets out the criteria to determine appropriate mix of unit sizes including: local evidence of need; requirement to deliver inclusive neighbourhoods; deliver a range of unit types at different price points; mix of use in the scheme; range of tenures; the nature and location of the site; housing potential.

85 CSP 1 states that major development will be expected to make a contribution towards family housing (3+ bedrooms) and sets the ambition that 42% of affordable housing will be family dwellings.

86 The recent SHMA (2019) suggests that overall in Lewisham:

- 57.7% of all properties in Lewisham are flats, apartments or maisonettes. 41.9% of properties are houses (of which 32.8% are terraced, 7.8% are semi-detached and 1.3% are detached houses) and 0.4% are bungalows;
- 26.4% of properties have one bedroom, 33.0% have two bedrooms, 30.4% have three bedrooms and 10.1% have four bedrooms.

87 Regarding the future need for housing, the SHMA predicts that it can be expected that a number of families living in the borough will increase by around 5,900.

#### *Discussion*

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88 The proposed development would provide affordable units only. Table 2 below shows the proposed unit mix.

**Table 3: Proposed unit mix**

Unit	No. of units	%	Habitable room	%
1B2P	19	58%	38	48%
2B3P	1	3%	3	3%
2B4P	13	39%	39	49%
<b>TOTAL</b>	<b>35</b>	<b>100%</b>	<b>80</b>	<b>100%</b>

89 Table 3 above shows the proposed dwelling mix for the development. The proposed dwelling mix provides a range of unit types but does not include contribution to family housing (3+ bedrooms) to meet the identified local need contrary to CSP 1.

90 LPP H10 establishes a range of factors that contribute to determining the appropriate mix of units for a development. One such factor is site context including the nature and location of the site. LLP H10 advises that a higher proportion of one and two bedroom units can be supported in town centre locations or locations close to a station and/or with a high PTAL. All of these factors apply to this site and therefore the proposed unit mix and absence of family units is supported. In coming to this conclusion Officers have given weight to the local noise environment at the site, which currently includes ambient noise from the busy main road and is proposed to include a cinema in close proximity. This noise environment and location within a Major Town Centre make the site less suitable for family accommodation. Officers also have regard to the need to maximise scheme viability to ensure sufficient value is generated to offset the costs of the restoration of the at-risk Listed Building.

### **6.2.3 Affordable housing**

#### *Policy*

91 The NPPF expects LPAs to specify the type of affordable housing required (para 62).

92 LPPs H5 and H6, CSP1 and DMP7 reflect the above, with an expectation of 50% affordable housing, subject to viability.

93 LPP H5 supported by the Affordable Housing SPG, states that proposals will not need to be supported by viability information where they: (i) deliver at least 35% affordable housing on-site without public subsidy; (ii) are consistent with the relevant tenure split; and (iii) have sought to increase the level about 35% by accessing grant (GLA, 2017, p17). There are several conditions where proposals may not benefit from this 'Fast Track Route'.

94 LPP H5 also increases the threshold for the Fast Track Route to 50% for public sector land and designated and non-designated industrial and employment land as set out in LPP E7.

95 CSP1 expects 70% to be Social Rent and 30% intermediate housing. This is consistent with the AVH and DLPP H7. The Lewisham Planning Obligations SPD (2015) allows for

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some flexibility to reflect site context (para 3.1.52). CSP1 also expects 42% of the affordable housing offer to be family dwellings (3+ bedrooms).

#### *Discussion*

- 96 LPP H5 sets out the approach boroughs should take with applications such as this which fail to achieve the affordable housing target in LPP H4 and therefore follow the Viability Tested Route. Accordingly, the applicant has submitted a Financial Viability Assessment (FVA) (Grimshaw Consulting Limited, March 2022). The FVA concludes that the conservation deficit for the scheme would be £3,760,000 with the residual land value generated by the residential development of £2,015,007. The FVA therefore concludes that residential development cannot viably support an affordable housing contribution due to the extent of the conservation deficit associated with the renovation and conversion of the Playtower.
- 97 The FVA has been independently reviewed by BNP Paribas. The BNP review identified a series of minor adjustments to the calculations for the conservation deficit and residual land value associated with bringing the value into line with standard market assumptions. These adjustments result in an increase to both the conservation deficit (£4,031,764) and the residual land value for the residential accommodation (£2,796,613). The adjustments therefore do not dispute the conclusions of the FVA as the residential development would fall short of mitigating the conservation deficit.
- 98 Bases on the above, BNP Paribas accept that the scheme could not viably support an affordable housing contribution.
- 99 In this circumstance, LPP H5(F) sets out that viability tested schemes will be subject to: a) an Early Stage Viability Review if an agreed level of progress on implementation is not made within two years of the permission being granted (or a period agreed by the borough); b) a Late Stage Viability Review which is triggered when 75 per cent of the units in a scheme are sold or let (or a period agreed by the borough); and c) Mid Term Reviews prior to implementation of phases for larger phased schemes.
- 100 This is not a larger phased scheme so only the Early and Late Stage viability reviews are required. These reviews would be secured by a Planning Obligation.

#### ***Summary of Affordable housing***

- 101 The financial viability evidence demonstrates that the scheme cannot viably support a contribution to affordable housing due to the costs associated with restoring and converting the Playtower. As such, the proposed development is considered to be compliant with the principles of LPPs H5 and H6, CSP1 and DMP7 subject to a Planning Obligations to secure early and late stage viability reviews.

### **6.2.4 Residential Quality**

#### *General Policy*

- 102 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

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- 103 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; (v) noise and disturbance; (vi) accessibility and inclusivity; and (vii) children’s play space.

**Internal and external space standards**

*Policy*

- 104 LPP D6 and Table 3.1 sets minimum standards for new housing developments. This is supported by CS Policy 15 and DMLP Policy 32.
- 105 LPP D6 also states that for 1-2 person dwellings, a minimum 5sqm or private external amenity space is required, with an extra 1sqm for every additional occupant. Additional guidance is provided within the London Plan Housing SPG at Standard 26.

*Discussion*

- 106 Table 4 below sets out proposed dwelling sizes for the residential accommodation.

**Table 4: Internal and external space standards**

Unit No.	Building	Floor	Unit size	Required GIA (sqm)	Proposed GIA (sqm)	External Amenity (sqm)
1	East	Ground	1b2p	50	63	20
2	East	Ground	1b2p	50	61	70
3	East	Ground	1b2p	50	71	65
4	East	Ground	1b2p	50	64	25
5	East	1st	1b2p	50	63	-
6	East	1st	1b2p	50	61	-
7	East	1st	1b2p	50	57	30
8	East	1st	1b2p	50	54	25
9	East	2nd	2b4p	70	97	8
10	East	2nd	2b4p	70	91	8
1	South	Ground	2b4p	70	74	15
2	South	Ground	1b2p	50	64	65
3	South	Ground	1b2p	50	73	25
4	South	Ground	1b2p	50	62	30
5	South	Ground	2b3p	61	69	59
6	South	Ground	1b2p	50	51	35
7	South	1st	1b2p	50	55	-
8	South	1st	2b4p	70	87	-
9	South	1st	1b2p	50	61	7
10	South	1st	1b2p	50	64	7
11	South	1st	2b4p	70	86	7
12	South	1st	2b4p	70	76	7
13	South	2nd	2b4p	70	77	-
14	South	2nd	2b4p	70	73	7
15	South	2nd	1b2p	50	64	7
16	South	2nd	1b2p	50	54	7
17	South	2nd	2b4p	70	76	7
18	South	3rd	2b4p	70	76	7
19	South	3rd	1b2p	50	64	7

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20	South	3rd	1b2p	50	54	7
21	South	3rd	2b4p	70	76	7
22	South	4th	2b4p	70	76	7
23	South	4th	2b4p	70	82	7

107 All of the proposed flats would exceed the requirements of LP Policy D6 in terms of overall GIA, the majority of which by a substantial amount. The proposed development would also be fully policy compliant in terms of bedroom size and the provision of built-in storage. The floor to ceiling height of the dwellings would exceed the required 2.5m as measured from the submitted section drawing. The proposed layouts are well considered and efficient ensuring that circulation space is minimised.

108 The ground floor units within the building would have access to private gardens. Above that all but five of the units (Units 5 and 6 in the East Block and Units 7, 8 and 13 in the South Block) would be provided with balconies. All of the gardens and balconies are appropriately sized providing private external amenity space that would either meet or exceed the requirements of LPP D6. Where site constrains preclude the provision of external amenity space for all units the GLA Housing SPG recommends that the equivalent floor space should be provided internally. In this case all of the flats would at least meet this requirement and in the case of three of the flats (South Block Unit 8 and East Block Units 5 and 6) would exceed it. Therefore, the failure to provide external amenity space for all of the flats is considered acceptable. In making this assessment Officers have given weight to the otherwise good quality of the residential accommodation and the proximity to Ladywell Fields.

### ***Outlook & Privacy***

#### *Policy*

109 DMP 32 expects all new development to provide a satisfactory level of privacy, outlook and natural lighting for both its future residents.

110 The justification for DMP 32 at paragraph 2.250 advises that there should be a minimum separation of 21m between directly facing habitable room windows on the upper floors of main rear elevations. The new Small Sites SPD revises this figure to 16m and is therefore considered more relevant.

#### *Discussion*

111 There is a predominance of dual aspects units in the scheme, 24 out of the proposed 33. This equates to 73% dual aspect units meaning that 27% of units would be single aspect. Where units are single aspect they are either south, east or west facing and generally have good levels of outlook over the site or onto ground floor gardens. The one exception is Unit 1 within the Southern Building, which would have outlook onto a shallow courtyard. This is not ideal but is not considered to warrant the refusal of the application given the otherwise high standard of the residential accommodation together with the considerable planning merits of the scheme.

112 In privacy terms, the proposed buildings have had regard to the surrounding site context being set back within the site boundaries. This is generally sufficient to provide adequate levels of privacy for the upper floor flats. There are two elevations where the distance to directly facing elevations with neighbouring windows would be below the 16m advised by the Small Sites SPD. These are the eastern elevation of the south block (located 10m

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from St Peter's Gardens) and the south elevation of the east block (located 12m from St Peter's Gardens), both of which directly face the residential block at St Peter's Gardens.

- 113 These distances are below the 16m recommended within the Small Sites SPD. To overcome this problem the first and second floor windows in the eastern elevation of the South Block would feature oriel bay designs with obscure glazed panels directly facing the neighbouring block. For the south elevation in the East Block 1.7m high screens would be used to provide privacy for the terraces and the obscure glazed oriel windows installed at second floor level. This design response would ensure that privacy levels are acceptable and thus will be secured by condition.
- 114 The window designs and terraces screening would not have a significant impact on the quality of the outlook for the effected flats within the eastern block as they serve dual aspect rooms which benefit from unobstructed primary windows. This would not be the case for Units 7, 8 and 13 in the South Block, which all feature single aspect bedrooms. The oriel window design would feature an obscure glazed panel that would prevent direct outlook for the majority of the room. The side panels would be clear glazed, which would permit restricted outlook throughout the majority of the rooms. This restricted outlook is consider acceptable for bedrooms, as these are not the primary living spaces, taking into account the need to protect the privacy of future residents of the building as well as the current residents of St Peter's Gardens. Therefore, Officers are satisfied that the window designs have struck an appropriate balance.
- 115 Levels of security for the upper flats would be adequate given their elevated position. The ground floor units would all benefit from defensible space adjacent to the windows, either in the form of planting or private gardens. The planting would be secured by condition as part of the soft landscaping scheme.

### ***Overheating***

#### *Policy*

- 116 LPP D6 states that housing development should be designed to achieve adequate levels of ventilation.
- 117 LPP SI 4 states that major development proposals should demonstrate through an energy strategy how they will reduce the potential for internal overheating.

#### *Discussion*

- 118 The proposed development has been designed in accordance with the cooling hierarchy established by LPP SI4 to ensure the building is not vulnerable to overheating. These design measures include best practice insulation, passive ventilation, solar control glazing to the fenestration and generous floor to ceiling heights. The design would prevent the necessity for mechanical ventilation. These measures are described in detail at Section 4.2 of the Energy and Sustainability Statement (P3r, February 2022) and would be secured by condition.

### ***Daylight and Sunlight***

#### *Policy*

- 119 DM Policy 31 (1) (b) expects new development to provide a 'satisfactory level' of natural lighting for its future residents.

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- 120 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards. This is not formal planning guidance and should be applied flexibly according to context. The BRE standards set out below are not a mandatory planning threshold.
- 121 In new dwellings, the BRE minimum recommended average daylight factor (ADF) is 1 % for bedrooms, 1.5% for living rooms and 2 % for kitchens. For sunlight the measure is Annual Probable Sunlight Hours (APSH) with a target of achieving a minimum of 25% of annual sunlight hours.

#### *Discussion*

- 122 A Daylight and Sunlight Report (Avison Young, March 2022) has been submitted with the application. The report provides an analysis of the internal levels of sunlight (APSH) and daylight (ADF) for the residential accommodation against the relevant BRE standard. The report concludes that the proposed development would achieve good levels of daylight with 20 of the 21 rooms modelled for the eastern block and 55 of the 58 relevant rooms for the southern block showing compliance with BRE standard for ADF. The transgressions are all within 0.12 of the required value (transgressions up to 0.2 of the required value are normally considered acceptable) and therefore the provision of daylight for the residential accommodation is considered acceptable taking into account the town centre location.
- 123 For sunlight the Report finds that 62% of the relevant windows (54 of 87) would meet the BRE standard for ASPH. This is due in part to the site orientation and the provision of balconies that block sunlight to the windows below. The proposed levels of sunlight are considered acceptable for a development within a dense urban setting.
- 124 The Daylight and Sunlight Report was undertaken in accordance with BRE 209 (2011) (2nd Edition) guidance, which at the time of testing was the up to date industry guidance. In June this guidance was superseded by BRE Report 209: Site Layout Planning for Daylight and Sunlight (3rd Edition). In response the applicant has submitted a letter from their daylight and sunlight consultants (Letter from Avison Young dated 27 June 2022) which addresses the change in guidance.
- 125 The letter states that although there is no guidance on the transition period between the two guidance regimes and that retrospective testing against the new standards would not be necessary in keeping with the industry wide approach. Avison Young also state that in their expert opinion the scheme would maintain a high level of compliance with the new standards in keeping with the performance when tested against the previous BRE Guidance. Officers are satisfied with this approach given the strong performance when tested against the previous standards. Accordingly, the policy test to demonstrate a satisfactory standard of daylight and sunlight levels has been appropriately demonstrated.
- 126 A further letter was submitted from Avison Young (dated 5 July 2022) following the changes to the window designs for the eastern elevation of the South Block and south elevation of the East Block that are summarised above. Avison Young have reviewed the scheme and concluded that in their professional opinion the changes to the window design would not have a significant impact on the light levels modelled within the initial Daylight and Sunlight Report. Therefore, light levels for the proposed residential accommodation are considered acceptable.

#### **Noise & Disturbance**

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### *Policy*

- 127 NPPG states LPAs should consider noise when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment.
- 128 LPP D13 *Agent of Change* states that where new noise-sensitive land uses are proposed in proximity to existing noise generating uses, development is required to robustly demonstrate how such conflict between uses can be mitigated. The policy also aims to safeguard the ongoing operation of existing uses.
- 129 DMP 26 states that a Noise and Vibration Assessment will be required for noise and/or vibration generating development or equipment and new noise sensitive development to identify issues and attenuation measures, prepared by a qualified acoustician.
- 130 Planning controls the effect of noise from external sources on residential uses and noise transmission between different uses. The relevant standard is BS: 8233:2014. This states the internal noise levels within living rooms must not exceed 35 dB(A) during the daytime (0700-2300) and 30 dB(A) in bedrooms during the night-time (2300-0700). With respect to external areas, BS 8233:2014 recommends that external noise level does not exceed 50dB LAeq,T with an upper guideline of value of 55dB LAeq,T.

### *Discussion*

- 131 An Acoustic Report (Auricl, January 2022) has been submitted with the application, which provides an analysis of the external noise environment. The most significant sources of external noise are vehicles on Ladywell Road. Internally, the plant rooms located within the ground floors of both residential blocks are the main source of potential disturbance.
- 132 The Acoustic Report provides recommendations for the sound insulation performance for the elevations and windows in order to provide effective mitigation against noise from Ladywell Road and from the proposed cinema. These recommendations include a specification for the glazing and ventilators. The ventilators would be a combination of standard and acoustic trickle vents negating the need for mechanical ventilation. The recommended specifications would be secured by condition.
- 133 The report also considers the noise impact of the plant room. The Acoustic Report highlights that additional mitigation would likely be required due to the proximity to residential accommodation. However, at this stage a specification for the equipment has not been finalised. Therefore, details of the proposed noise attenuation for the plant rooms will be secured by condition.

### ***Accessibility and inclusivity***

#### *Policy*

- 134 LPP D5 seeks to ensure that new development achieved the highest standards of accessibility and inclusive design, and any development should ensure that it can be entered and used safely, easily and with dignity by all.
- 135 LPP D7 requires that at least 10% of new build dwelling meet Building Regulation requirement M4(3) 'wheelchair user dwelling' (designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users); and all other new build dwelling must meet Building Regulation requirement M4(2) 'accessible and adaptable

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dwellings'. Wheelchair accessible homes should be distributed across tenure types and sized to give disabled and older people similar choices to non-disable. This is supported by CSP 1.

*Discussion*

- 136 The proposal would provide four flats (12%) that would be designed as wheelchair user dwellings (requirement M4(3)). The flats would be located at ground floor level (Units 3 and 4 of the Eastern Block and Units 2 and 3 of the Southern Block. The provision of the wheel chair user dwelling will be secured by Condition. The remaining flats would be 'accessible and adaptable dwelling' (requirements M4(2)) in accordance with LPP D7, also to be secured by condition.

**Air quality**

*Policy*

- 137 NPPF para 174 states that planning decisions should among other things prevent new and existing development being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution.

*Discussion*

- 138 The AQA provides an assessment of the air quality at the sensors in the vicinity of the site and concludes that concentrations of NO2, PM10 and PM2.5 are below the relevant standards. Therefore, the AQA concludes that additional mitigation would not be required.

**Children's play space**

*Policy*

- 139 LPP S4 states that development proposal should incorporate high quality, accessible paly provisions for all ages, of at least 10sqm per child based on the GLA Population Yield Calculator.

*Discussion*

**Table 5: Children's Play Space**

Age group	No of children	Required Playspace	Proposed Playspace
Under 5s (sqm)	2.7	27	0
5-11 years (sqm)	1.7	17	0
12+ years (sqm)	0.3	3	0
<b>Total (sqm)</b>	<b>4.7</b>	<b>47</b>	<b>0</b>

- 140 Play space provision should normally be provided on site. However, off-site provision may be acceptable where it can be demonstrated that this would address the need of the development and can be provided nearby within an accessible and safe walking distance (400m). The proposed development does not include a sufficient amount of available space to provide children's playspace, due to the need to optimise site capacity

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to generate value to fund the renovation works. Therefore, an off-site financial contribution is justified in this case.

- 141 Following discussions, the applicant has agreed to pay a financial contribution in line with the requirements of Lewisham Obligation SPD. This is consistent with the provisions of LPP S4 and is therefore considered acceptable given the significant merits of the application, which include the restoration of the heritage asset.

### **Fire Safety**

#### *Policy*

- 142 LPP D5 seeks to ensure that developments incorporate safe and dignified emergency evacuation for all building users.
- 143 LPP D12 requires major development proposals to be accompanied by a fire statement, prepared by a suitably qualified third party assessor, demonstrating how the development proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel.

#### *Discussion*

- 144 A Fire Safety Statement has been submitted in support of the application as required by LPP D12. LPP D12.B sets the criteria for assessing Fire Safety Statements. The Fire Safety Statement confirms that the cinema and the new residential buildings would be fully compliant with Part B of LPP D12. The recommendations of the Fire Safety Statement will be secured by condition.

### **Summary of Residential Quality**

- 145 The residential accommodation would be of a high standard and is therefore considered acceptable.

### **6.2.5 Housing conclusion**

- 146 The proposed development would make a meaningful contribution to the Borough's housing targets providing 33 residential flats within a sustainable urban location. The development would therefore make an efficient use of land and would optimise density, taking into account the constraints imposed by the heritage status of the site. The residential accommodation would be high quality either meeting or exceeding all of the relevant standards. These are planning merits of the scheme and are attributed weight within the planning balance.
- 147 The proposed development is therefore considered acceptable in housing terms subject to the conditions and planning obligations detailed above.

## **6.3 URBAN DESIGN**

### *General Policy*

- 148 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 should achieve.

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149 London Plan (Policy D3) and Core Strategy (Policy 15) design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design, whilst the Development Management Local Plan, most specifically DM Policy 30, seeks to apply these principles.

### 6.3.1 Design, scale, massing and materials

#### *Policy*

150 LPP D3 is clear that development proposal should respond positively to the existing character of a place by identifying the special characteristics and features of the locality.

151 CSP 15 aims to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character

152 DMP 25 states that major developments will be required to submit a Landscape Scheme, proportionate to the size of the development.

153 DMP 30 requires a site specific response that creates a positive relationship to the existing townscape, natural landscape, open spaces and topography to preserve and / or create an urban form which contributes to local distinctiveness such as plot widths, building features and uses, roofscape, open space and views, panoramas and vistas including those identified in the London Plan, taking all available opportunities for enhancement.

154 DMP 33 supports the principle of new development within a street frontage but seeks to ensure that the proposed development would make a high quality positive contribution to the area whilst also providing a site specific creative response to the character and issues of the street frontage typology.

#### *Discussion*

155 The proposed development includes the addition of two new residential buildings; one to east of the Playtower and one to the south. The two buildings would represent a significant increase in built form on the site. DMP 33 is generally supportive of new development within a street frontage. However, all of the relevant design policies (CSP 15 and 18 and DMPs 30 and 33) emphasise the need to be site specific and respond positively to the surrounding context within the townscape. This requirement is enhanced for this site given the quality and heritage value of the surrounding townscape, which includes the Grade II Listed Playtower as well as a number of notable former civic buildings such as the Coroners Court, which is also listed.

156 Taking the eastern block first. The building would infill the gap between the Playtower and Coroners Court, fronting onto Ladywell Road. At three storeys (including the roof form) in height the new building would sensitively mediate the gap between the two existing buildings with the height broadly level with the ridge heights of the two adjacent buildings but crucially set below the prominent front gables of the Coroners Court and iconic tower of the Playtower. The new building would therefore appear visually subservient to the two listed buildings in keeping with its stature within the townscape.

157 The eastern block would feature twin gables on the front façade, which references the Coroners Court. Behind the gables would be a dual pitched roof in the centre of the roof, with the twin gables repeated at the rear. This mix of roof forms is a feature of both adjacent buildings and as such is supported.

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- 158 The material palette is high quality featuring Kentish red brickwork for the elevations, slim dark grey aluminium windows and a natural slate roof. The use of a red brick and slate roof would match the materials of the Playtower and Coroners Court and would therefore respond sensitively to the context. The brickwork would include soldier courses above the windows and decorative sawtooth brickwork between the ground and first floor in order to add articulation to the facades, which is supported.
- 159 The south block would be higher at five storeys but would sit behind the Playtower and consequently would have less presence within the streetscene, allowing the greater height. The height is also stepped and utilises gables and pitches in order to breakdown the massing and would also sit below the height of the Playtower following the restoration of the conical roof to the tower. The building would therefore respect the status of the Playtower and would be sufficiently subservient.
- 160 The building would feature facing yellow stock brickwork to match the rear elements of the Playtower, which is considered appropriate. In keeping with the eastern block the building would also have slated pitched roofs and dark coloured aluminium fenestration and balconies thus ensuring a cohesive overall design approach. This cohesion extends to the detailing in the brickwork, which would also utilise soldier courses for the lintels.
- 161 A condition is recommended securing the final details of the materials and detailing in order to ensure that finished buildings would be high quality.
- 162 The separation distances between the East and South Blocks and the neighbouring St Peters Garden's Block require oriel windows to provide adequate levels of privacy and outlook. The oriel window boxes would feature metal fretwork screens to the central glazed pane. Fretwork screens would also be used for the terraces on the East Block. The fretwork would add decoration to the screens and would prevent the window boxes and terrace screens from appearing overtly modern, which would jar with the architectural language of the development. The detailed design of the oriel window boxes and terrace screens would be secured by condition.
- 163 Standard 8 of the London Plan Housing SPG states that all main entrances to communal entrance lobbies should be visible, clearly identifiable, and directly accessible from the public realm. Both buildings would be accessed via the path to the east of the Playtower with clearly legible entrances separate from the commercial land use and are therefore judged to be well designed and compliant with the SPG guidance.
- 164 The addition of the residential blocks would result in a significant reduction in open space and landscaping at the site. This loss is regrettable but is necessary to deliver this development and ultimately safeguard the long term future of the Grade II Listed Building. The remaining areas of open space would be landscaped. This would include the areas surrounding the residential buildings and the forecourt to the front of the Playtower.
- 165 Much of the front forecourt would be hard landscaped, which is necessary to facilitate access and functionality. The hard surfacing would be a mixture of resin bound gravel and paving. A condition is recommended securing the final details of the hard landscaping including appearance and permeability.
- 166 The areas surrounding the residential blocks and the area along the front boundary would be soft landscaped. The gardens for the ground floor units would be laid with turf with climbers on the site boundaries. Hedges and shrubbery would be planted along the front boundary. The soft landscaping scheme also proposes the addition of 20 trees to be planted at various locations around the site. Officers are satisfied that the proposed

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planting is the maximum the site can accommodate taking into account the servicing and access requirements of the cinema. The final details of the soft landscaping will be secured by condition.

#### *Summary*

- 167 The proposed residential buildings would respond positively and sensitively to their context in terms to their scale, massing, materials and design.

### **6.3.2 Impact on Heritage Assets**

#### *Policy*

- 168 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.
- 169 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 170 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 171 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation, when considering the impact of a proposed development on the significance of a designated heritage asset. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.
- 172 Specifically, para 197 of the NPPF directs local planning authorities to should take account of; (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and (c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 173 At para 208 the NPPF requires that local planning authorities assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.
- 174 CSP 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.
- 175 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.
- 176 The St Mary's Conservation Area Character Appraisal is also relevant.

#### *Discussion*

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177 The proposed conversion would require a number of alterations to the interior and exterior of the Grade II Listed Playtower that require Listed Building Consent. These are considered in detail below.

#### *Ground floor*

178 The insertion of a pod into the existing historic volume of the first class pool is a common approach to introducing new uses into historic buildings as it would allow the retention of the original volume and architectural detailing. It would also clearly differentiate the new uses from the old. The proposed main cinema pod at Ladywell Baths would be sited in the shallow end of the first class pool and allows for the southern part of the pool to be exposed and appreciated. Its lowered position would allow views over its top to the southern gable elevation and window, principally from the galleries, and the roof structure would remain visible. It would change the character of the space but has the benefit of requiring little alteration to the pool tank structure and hall. Full details of the appearance of the pod and methodology for its installation would be secured by condition.

179 A new timber floor is proposed for the first class pool hall. Further details of this change will be secured by condition including details of how the new flooring will be installed relative to the position of the pool with the intention that the flooring should not completely obscure the pool.

180 The reinstatement of gallery and balustrade would be beneficial as this architectural feature have been lost and would therefore enhance appreciation of the original form of the space. Full details of the gallery and balustrades will be secured by condition.

181 The demolition of the western staircase enclosure and stairs would erode the plan form of the staircase and corridor between the first class waiting room and slipper baths to a degree. The loss would enable a more flexible use of this space for hospitality/community use ancillary to the principal cinema function. The loss of fabric and erosion of historic plan form would introduce a low level of harm (less than substantial), which is regrettable but is justified in this instance as it would assist the functionality of the cinema use. Evidence of these features will be preserved by building recording.

182 The conversion would require new openings in the existing wall between the former front lobby and former first class slipper baths. This space is identified within the Heritage Statement as comprising elements of high to moderate significance. The two new openings are set in the wall with substantial nibs either side of both preserved chimney breast and the end walls. The nibs would help preserve the character and dimensions of the space. This is subject to further details, in the form of internal elevations, to assess the height of these openings.

183 The former second class corridor to the eastern side currently features three windows and a door. The proposal originally proposed blocking all of the openings. For the door opening and two of the windows this is acceptable as they will be hidden by the creation of Cinema 2. The window onto the substation would remain visible from the corridor and therefore Officers negotiated a revision to retain that window. Officers have negotiated a similar revision to the exterior wall of the formal ladies entrance that would see the windows reinstated for the rebuilt eastern elevation in order to add articulation.

#### *First Floor*

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- 184 The eastern elevation of the second class slipper baths would be rebuilt using reclaimed brickwork. This is considered acceptable given the use of matching brickwork. However, the proposal initially omitted the 9 windows that currently activate this elevation. This would have resulted in a bland and monotonous elevation and therefore the windows would be reinstated within the rebuilt elevation following negotiations with Officers.
- 185 The southern elevation of the second class slipper baths (along with its roof structure) would be demolished and rebuilt to accommodate Cinema 3. It is identified in the Heritage Statement as being of some significance. However, it is not highly visible and the brickwork will be retained and re-used thereby preserving the historic fabric and ensuring that the materiality relates sensitively to the rest of the building. The roof pitches would be slate to match the original roofing material and would form a screen to hide the roof top plant. This part of the building is considered of lower sensitivity and therefore is an appropriate location to concentrate the largest interventions.
- 186 The pitched roof extension proposed in place of the existing flat roofed 1930s slipper bath extension would enhance the appearance of this element of the building as the existing flat roof is rudimentary and does not respond well to the surrounding roofscape.

#### *The Tower*

- 187 The works to the tower include the reinstatement of the conical roof. These works would be carried out in a scholarly manner to replicate the original design. This would return a key architectural feature to the building and to local views within the surrounding Conservation Areas. As such, the restoration of the conical roof would result in a significant enhancement to the building.
- 188 The interior of the tower is proposed to be retained as an open volume above first floor level, with views up into the reinstated cone. This would provide a dramatic space and would help maximise the available floor space at first floor level. However, it would mean that the upper parts are not accessible which is regrettable but is not a requirement. Moreover, the works do not prevent further alterations in the future, should these be desirable.

#### *Internal courtyard enclosure*

- 189 The internal courtyard enclosure would be achieved by covering the whole courtyard at roof level with a traditional slated roof and glazed lantern. Originally this area would have been covered by three lanterns so this approach is supported. The works to the courtyard also include inserting an open stair and glazed lift to connect the basement, ground floor, first class main pool hall gallery, and first floor hospitality suite.
- 190 Additionally, the proposal includes the restoration of the windows and architectural features of the original southern, northern and eastern elevations and the removal of the 1930s lean-to structures from the west wall of the main First Class Pool Hall. Two new openings would then be inserted into the west wall. The whole volume would then be read as a single entity, uniting the disparate elements of the original building, and create a new use for this space. This would be a sensitive reworking of the space that would remove negative later alterations and inject new character into the heart of the site.

#### *Exterior*

- 191 The brickwork and slate roof proposed for the enclosure for cinema escape and eastern block cycle store is an appropriate design response. Final details of the design and materials will be secured by condition. The front boundary wall would be restored and

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steel railings reinstated on top. The existing openings are to be retained in their current positions and new gates installed. A condition is recommended securing the design of the new gates and the railings. The railings should be designed to match the original design to ensure that the front boundary responds sensitively to the qualities of the listed building. The existing timber and metal windows would be retained, and restored, with slimline double glazing installed. Detailed drawings of the windows would be secured by condition.

- 192 The eastern side of the building would be extended as a loggia to form the residential entrance to the southern block. As initially designed the loggia was overly substantial and unnecessarily blocked views towards the rear of the site. Following discussions the design of the structure has been revised to reduce the height and provide through-views. The details of the appearance will be secured by condition.

*Impact to the setting of the surrounding Listed Buildings - St Mary's Church (II\*), Churchyard walls (II), Playtower (II) and Coroner's Court (II).*

- 193 As discussed above, the proposed buildings have been designed with massing and form that relates to the complexities of the urban grain, varied massing and pitched roof forms in the area. Furthermore, the materials respond sensitively to the local context.

- 194 The southern block will have an impact on the setting of St Mary's churchyard. The churchyard has a strong sense of enclosure currently, due in part by the number of mature trees and the presence of the Church yard boundary wall (grade II listed), as well as the adjacent modern development on the northern edge. It will also form part of the background setting of St Mary's Church (grade II\* listed), glimpsed behind the mature trees of the churchyard. In summer it will be well screened by foliage but in winter it will be more visible. In closer views the elements of the building closest to the boundary are substantially lower at 2 storeys plus roof. It will also it will be seen in the context of a taller modern building further east along the boundary.

- 195 The massing of the southern block is broken by the varying heights and roof pitches, so will avoid a monolithic appearance that would have been out of keeping with the context and harmful the setting of the Listed Buildings to the south. The two storey elements are a sensitive response to their closer proximity to the listed boundary wall. Centring the tallest five storey elements helps to reduce the impact in oblique views, which is welcomed. The proposed screening above the listed wall will assist in retaining a sense of seclusion and privacy at the lower levels. Details of the screening will be secured by condition.

- 196 A gap has been retained between the Playtower and the eastern block which allows views through the mature trees of the Churchyard beyond and also refers to the historic gap between the former Baths and the Coroner's Court. Soft landscaping will contribute to the character of this space. The scale, form and layout has the potential to provide a positive frontage to this stretch of Ladywell Road and a respectful neighbour to both its listed neighbours.

- 197 Accordingly, Officers are satisfied that the proposed new buildings will not cause harm to the setting of the neighbouring designated heritage assets.

*Impact to the Ladywell and St Mary's Conservation Areas*

- 198 The restoration and reuse of the Playtower along with the reinstatement of historic features would enhance the character and appearance of the Ladywell and St Mary's Conservation Areas. The sensitive and responsive design of the new buildings will

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ensure that the character and appearance of the Conservation Areas would be preserved.

### *Summary*

- 199 In conclusion, the proposal would bring a low degree of harm (less than substantial) to the fabric and layout of the Ladywell Playtower. This harm is off-set in part by restoring the conical roof to the tower and the gallery to the first class pool. The NPPF (paragraph 202) sets out that where developments would result in less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of a proposal, including securing the optimum viable use of the asset.
- 200 In this case the degree of harm is kept to a minimum and the interventions sensitively considered and clearly and convincingly justified by the pressing need to restore and re-occupy the building to secure its future protection. Therefore, Officers are satisfied that the development would secure the optimum viable use for the building and that the low degree of harm is well outweighed by the potential benefits and enhancements to the building and the vitality and historic environment of wider community. As such, the development would be consistent with paragraphs 197 and 202 of the NPPF. The weight given to these benefits is consistent with the representations submitted by the Victorian Society and Historic England.
- 201 In order to secure the heritage benefits of the development it would be necessary to connect the progress of the residential development to the restoration and refurbishment of the listed building. Therefore, planning obligations have been agreed that link stages of the construction of the residential blocks with important stages of the works to restore the Playtower. The planning obligation would ultimately require the completion of the restoration of the Playtower and fit-out of the cinema prior to the occupation of the final parts of the residential accommodation.
- 202 Therefore, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, Officers are satisfied the proposal would preserve the significance of the Listed Building and its setting and would also preserve the character and appearance of the Ladywell and St Margaret's Church Conservation Areas.

### **6.3.3 ARCHAEOLOGY**

#### *Policy*

- 203 Para 192 of the NPPF requires that local planning authorities maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area and be used to: (a) assess the significance of heritage assets and the contribution they make to their environment; and (b) predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future.
- 204 Para 194 of the NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 205 LPP HC1 requires that development proposals should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and

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appropriate mitigation. Where applicable, development should make provision for the protection of significant archaeological assets and landscapes.

- 206 CSP 16 states that the Council will ensure that the value and significance of the borough's heritage assets and their settings, which include archaeological remains, will continue to be monitored, reviewed, enhanced and conserved.

*Discussion*

- 207 The application has been reviewed by Historic England's Greater London Archaeological Advisory Service (GLAAS). GLAAS have reviewed the Archaeological Desk Based Assessment (AOC, February 2022) and have identified that there is a low degree of potential for prehistoric archaeology and a more significant likelihood of medieval archaeology due to the proximity of the site to the local church.

- 208 For that reason GLAAS have recommended three conditions to be imposed on the planning and Listed Building Consent applications. The recommended conditions comprise a condition for a Stage 1 Written Scheme of Investigate (WSI), with further WSIs and site investigations potentially required dependant on the outcome of the Stage 1 WSI. GLAAS have also recommended conditions securing a programme of public consultation on any archaeological finds in accordance with para 192 of the NPPF and a WSI for building recording to be imposed on the Listed Building Consent.

- 209 Officers are satisfied that the proposed conditions would be sufficient to safeguard potential archaeological interests on the site.

#### **6.3.4 Security**

*Policy*

- 210 Paragraph 92 of the NPPF states that planning decisions should aim to create places that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

- 211 LPP D11 aims to ensure and maintain a safe and secure environment in London.

- 212 CSP 15 echoes national and regional policy and seeks ensure design acts to reduce crime and the fear of crime

*Discussion*

- 213 The Met Police Design Out Crime Officer has reviewed the proposed development and commented that many of the relevant Secured By Design features have been incorporated within the development including clear sight lines, good levels of natural surveillance, defensible planting at ground floor level and a clear division between the commercial and residential uses. However, the Design Out Crime Officer has identified some areas that could improve including the use of an air lock lobby for the eastern block.

- 214 An informative will be added advising that the applicant apply for Secured by Design accreditation.

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### **6.3.5 Urban design conclusion**

215 The proposed development is considered to be acceptable in urban design terms subject to the imposition of the conditions recommended above.

## **6.4 TRANSPORT IMPACT**

### *General policy*

216 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of paragraph 106. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.

217 Para 111 states “Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

### **6.4.1 Access**

#### *Policy*

218 The NPPF requires safe and suitable access for all users. Paragraph 110 states that in assessing applications for development it should be ensured that appropriate opportunities to promote sustainable transport modes can or have been taken up and that amongst other things safe and suitable access to the site can be achieved for all users.

219 CSP 14 ‘Sustainable movement and transport’ states that the access and safety of pedestrians and cyclists will be promoted and prioritised.

#### *Discussion*

220 Pedestrian access to the site would be directly from Ladywell Road, with separate access into the proposed land uses. Residents accessing the southern block to the rear of the Playtower would be via a 4.8m wide internal shared surface access road. The proposed accesses are considered acceptable.

221 For cycles the stores and short-stay cycle parking are located at various locations around the development and separated for the sites various land uses. There are five areas that are to be occupied by cycle parking, which are appropriately located to allow unobstructed access.

222 The development proposals retain the existing vehicular access via Ladywell Road. The existing access would undergo widening to 4.8m with treated surfaces. The existing pier on the western edge of the crossover will be retained with the crossover widened to the east and the pier relocated. This is considered an acceptable alteration and would be secured as part of a s278 agreement.

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## 6.4.2 Local Transport Network

### *Policy*

- 223 The NPPF at paragraph 106 states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.
- 224 LPP T4 states that development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity.

### *Discussion*

- 225 The application site has a PTAL of 6a, which is a very good level of public transport accessibility. Officers are satisfied that the scale of development could be accommodated within the existing transport services and infrastructure without the need for additional mitigation taking into account that the scheme would be car-free.

## 6.4.3 Healthy Streets

### *Policy*

- 226 LPP T2 states that development proposals should demonstrate how they will deliver improvements that support the ten Healthy Streets Indicators in line with Transport for London guidance.

### *Discussion*

- 227 A Healthy Streets Audit was undertaken as required by the London Plan, see Section 4.6 of the Transport Statement (Markides Associates, March 2022). The Healthy Streets Audit has been reviewed by the Council's Highways Officer who has confirmed that the audit is compliant with LPP T2 and does not identify any necessary works within the surrounding area.

## 6.4.4 Servicing and refuse

### *Policy*

- 228 CSP13 sets out the Council's waste management strategy for new development and states that major developments should be designed to incorporate the existing and future long-term needs of waste management and disposal.
- 229 Storage facilities for waste and recycling containers should meet at least BS5906:2005 Code of Practice for waste management in Buildings in accordance with London Plan Housing Supplementary Planning Guidance (2016) standard 23.

### *Discussion*

- 230 The site constraints would prevent refuse vehicles entering the site in forward gear therefore the vehicles would be required to reverse onto forecourt adjacent to the blue badge parking, from Ladywell Road. This is not an ideal solution given this manoeuvre would disrupt the flow of traffic but is unavoidable and in keeping with the arrangement for a number of sites on Ladywell Road. The Council's Highways Officer has therefore not raised an objection to this strategy. A management strategy would be required to transfer the bins from the storage area to a collection point in order to comply with

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maximum drag thresholds. These details have not been provided at this stage so would be secured by condition prior to the occupation of the development.

Both the residential and commercial elements of the development would also be serviced from the forecourt adjacent to the blue badge spaces. The turning area initially only accommodated space for one service vehicle, which is a concern given the estimated frequency of daily servicing trips (12-14 trips). Due to these concerns the applicant has submitted an updated plan providing space for two delivery vehicles to enter the site. Following the revision the Highways Officer was satisfied that the increased space is sufficient to accommodate the proposed intensity of servicing activity. This is subject to a condition securing a detailed Delivery and Servicing Plan to secure confirmation of the frequency of servicing trips and the management of the site.

#### **6.4.5 Construction**

##### *Policy*

231 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road. Additionally, LPP T7 requires that construction logistic plans should be development in accordance with TfL guidance.

##### *Discussion*

232 An Outline Construction Management and Logistics Plan (Chapman and Chapman, March 2022) was submitted with the application and has been reviewed by the Council's Highways Officer. The plan is generally acceptable but a detailed plan will be needed prior to the commencement of development. The detailed plan would need to confirm that deliveries would be made outside peak hours and should include details of entry ramps into the site, pedestrian routes and the hoarding line. A condition is recommended securing the Construction Management Plan.

#### **6.4.6 Transport modes**

##### **Cycling**

##### *Policy*

233 Residential development is required to provide cycle parking in accordance with the requirements of Policy T5 and Table 10.2 of the London Plan.

##### *Discussion*

234 The proposed scale of development would generate a requirement of 56 long-stay cycle spaces and two short-stay for the residential accommodation and two long-stay and 25 short-stay for the commercial floorspace. The proposed cycle parking facilities would be provided within five locations across the site and include:

- 24 short-stay spaces within the front forecourt (commercial)
- 6 short-stay spaces adjacent to entrance to the south block (residential)
- 40 long-stay spaces within two stores in the south block
- 16 long-stay spaces for the east block located in a store adjacent to the eastern elevation of the playtower.

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- 235 The proposed facilities would fall just short of the overall requirement for long-stay but would exceed the overall short stay requirement. The split between commercial and residential would not be fully commensurate with the relative policy requirement. This split is judged to be acceptable in this instance given that the overall quantum would exceed the policy requirement taking into account the site constraints.
- 236 The site constraints also mean that a mix of Sheffield stands and two-tier racks would be required to meet the policy requirement. Two tier racks are not generally supported as they are not accessible for all users and therefore not compliant with the London Cycle Design Standards. However, the Sheffield stands are accessible and therefore as part of a mix are justified in this instance. A condition is recommended securing details of the layout and specification of the equipment prior to the occupation of the development.

***Private cars (include disabled and electric charging points)***

*Policy*

- 237 LP Policy T6 supported by CSP 14 and DMP 29 require developments to take a restrained approach to parking provision to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use.
- 238 LP Policies T6.1, T6.4 and T6.5 together with Tables 10.3 and 10.6 set out the parking standards for residential and leisure uses.

*Discussion*

- 239 The site is located within a highly accessible public transport zone (PTAL 6a) for which the development would be expected to be car free. Submitted layout plans show that the site would not accommodate on-site car parking spaces with the exception of the three blue badge spaces, which is consistent with the parking policies of the London Plan.
- 240 The blue badge spaces would be divided between the residential development and the cinema with two spaces for the residential and one for the commercial. LPP T6.1(g) requires major residential development to provide disabled persons parking for 3 percent of dwellings from the outset with a further requirement to provide the capability for a further 7 percent of dwellings. The provision of two blue badge spaces would meet the current requirement and part of the future requirement. It would not be possible to provide a third residential bay on-site due to a conflict with the servicing strategy. However, blue badge holders would be permitted to park within the surrounding CPZ and therefore the disabled persons parking provision would be acceptable.
- 241 The provision of one blue badge bay for the cinema would exceed the requirement set out within Table 10.6 of the London Plan and is therefore supported. A condition will be imposed to ensure that all three spaces can accommodate electric vehicle charging, with one space having active charging prior to occupation.
- 242 In order to secure a car-free development it will be necessary to prevent future residents from obtaining permits for the local CPZ. This will be secure via planning obligation as part of the S106 agreement. Three year membership of a car club will also be offered to future residents secured as a planning obligation.

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#### **6.4.7 Transport impact conclusion**

243 The proposed development is considered to have an acceptable impact on the surrounding highway and transport network subject to the imposition of the conditions and planning obligations recommended above.

### **6.5 LIVING CONDITIONS OF NEIGHBOURS**

#### *General Policy*

244 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 185 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.

245 This is reflected in relevant policies of the London Plan (LPP D3), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (London Plan Housing SPG 2017).

246 The main impacts on amenity that generally arise from this type of development include: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; (iv) noise and disturbance and (v) light pollution.

#### **6.5.1 Enclosure and Outlook**

##### *Policy*

247 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of outlook for its neighbours.

##### *Discussion*

248 The proposed development would result in a significant increase in the extent of the built form on the site. This increase in built form would have an impact to the outlook of the neighbouring buildings. The nearest residential buildings are the terrace properties on the northern side of Ladywell Road and St Peter's Gardens, a block of flats located to the south-east of the application site.

249 Taking the impact to the properties on Ladywell Road first. The east block would be consistent with the building line and heights of the existing properties on the southern side of Ladywell Road. Therefore, the eastern block would not introduce any materially harmful additional impacts to the buildings located opposite the application site in terms of outlook or enclosure.

250 St Peter's Gardens is built up close to the common boundary with the application site. The east and south blocks would be set-in from the boundaries providing separation from St Peter's Gardens. The rear elevation of the east block would face onto St Peter's Garden with a separation distance to the upper floors of approximately 12m. The eastern elevation of the south block has a separation distance of approximately 10m. The buildings have been designed to respond to this context with the upper floors of the east block set back from the ground floor level and the south block gradually rising in height

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toward the centre of the building so that the eastern elevation is part-two part-three storey rather than the full five-storeys.

251 On balance, these separation distances are considered acceptable taking into account the dense urban location within a major town centre where the development plan directs local planning authorities to focus density and consequently these relationships are more common.

## 6.5.2 Privacy

### *Policy*

252 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy for its neighbours. Additionally, the justification for DMP 32 at paragraph 2.250 advises that there should be a minimum separation of 21m between directly facing habitable room windows on the upper floors of main rear elevations. The new Small Sites SPD revises this figure to 16m and is therefore considered more relevant.

### *Discussion*

253 The proposed development would introduce windows and balconies facing towards all of the site boundaries including sensitive views towards St Peter's Gardens to the south and east. The objections has also expressed concern with overlooking towards the Village Nursery to the west of the application site. This concern is understandable, however, overlooking of school and nursery playgrounds is a common feature of urban environments and therefore is not intrinsically harmful.

254 The separation distances to St Peter's Gardens would be 10m from the eastern elevation (ground to second floor level) of the south block and 12m to the upper floors of the east block, with the balconies projecting beyond these distances. The distances are therefore significantly below the 21m recommended by DMP 32.

255 The Small Sites SPD adopted in October 2021 updates the recommended minimum distances to 16m. At 0.33ha the application site would exceed the definition of a small site as set out in LPP H2 (0.25ha). However, the site shares many of the characteristics of a small site and therefore it is considered appropriate to apply this revised guidance here.

256 Assessed against the updated guidance the separation distances would still exceed the recommended distance, albeit not to such a large degree. The large boundary walls and proposed tree planting on the boundary would provide an element of screening. However, this screening would likely be partial and therefore not sufficient to prevent a material loss of privacy to the residents of St Peter's Gardens.

257 To overcome this harmful impact to the privacy of the neighbouring properties the applicant revised the development. This included a change to the design of the first and second floor windows in the eastern elevation of the South Block, which would now feature oriel box designs with obscure glazed panels directly facing the neighbouring block. Additionally, the balconies on this elevation have been removed. For the south elevation in the East Block 1.7m high screens would be used to prevent direct views towards St Peters Gardens. Oriel window boxes would be used to screen direct views from the second floor windows. This design response would ensure that privacy levels are acceptable and thus will be secured by condition.

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### 6.5.3 Daylight and Sunlight

#### *Policy*

- 258 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of sunlight and daylight for its neighbours.
- 259 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards however this is not formal planning guidance and should be applied flexibly according to context.
- 260 The NPPF does not express particular standards for daylight and sunlight. Para 123 (c) states that, where there is an existing or anticipated shortage of land for meeting identified housing need, LPAs should take a flexible approach to policies or guidance relating to daylight and sunlight when considering applications for housing, where they would otherwise inhibit making efficient use of a site.
- 261 The GLA states that 'An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.' (GLA, 2017, Housing SPG, para 1.3.45).
- 262 The three methods for calculating daylight are as follows: (i) Vertical Sky Component (VSC); (ii) Average Daylight Factor (ADF); and (iii) No Sky Line (NSL).
- 263 The VSC is the amount of skylight received at the centre of a window from an overcast sky. The ADF assesses the distribution of daylight within a room. Whereas VSC assessments are influenced by the size of obstruction, the ADF is more influenced by factors including the size of the window relative to the room area and the transmittance of the glazing, with the size of the proposed obstruction being a smaller influence. NSL is a further measure of daylight distribution within a room. This divides those areas that can see direct daylight from those which cannot and helps to indicate how good the distribution of daylight is in a room.

#### *Discussion*

- 264 The application is accompanied by a Daylight and Sunlight Report (Avison Young, March 2022). The report provides an assessment of the impact of the proposed development against BRE standards for the windows and amenity spaces at the following properties:
- 1 – 37 St Peter's Gardens
  - 9 – 33 Ladywell Road
- 265 The report finds that the majority of the windows and amenity spaces surveyed would retain sunlight and daylight levels in compliance with BRE guidelines, including at all of the relevant properties on Ladywell Road. For St Peter's Gardens the report finds that 96% of the windows (139 of 145) would meet BRE guidance for VSC. The six windows that exceed the BRE guidance are categorised as either a minor adverse loss (4 windows experiencing a 20-29% reduction) or a moderate loss (2 windows experiencing a 30-39% reduction).

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- 266 The report also provides an assessment for NSL and again finds that the majority (90%) of the relevant rooms surveyed at 1-37 St Peters would comply with the BRE guidance. Of the seven rooms that fail NSL one would experience a minor adverse loss (20-29%), two would experience a moderate adverse impact (30-39%) and four a substantial loss (40% and above). The four rooms comprise a living/kitchen/dining room and bedroom at first floor level (R10 and R11), a living/kitchen/dining room at second floor level (R10) and a third floor living/kitchen/dining (R7). The transgressions range from a loss of 44% to 65% meaning that all rooms would retain outlook from a proportion of the room.
- 267 For sunlight the report identifies that all of the windows surveyed would pass APSH in winter. For annual levels one first floor window at 1-39 St Peter's Gardens would experience an adverse reduction in APSH. The window would retain an APSH of 22% which is 3% below the target value of 25%.
- 268 The report also provides an assessment for overshadowing to the following neighbouring amenity areas:
- Coroners Court (front and rear)
  - St Peter's Gardens (front and rear)
  - St Mary's Church Grounds
  - St Mary's Centre Grounds (Village Nursery)
- 269 Four of the amenity areas would be compliant with the BRE guidance. The two transgressions are the front amenity space at the coroner courts and the rear space at St Peter's Gardens. The Coroners Court is in commercial use and is therefore less sensitive. For St Peter's Gardens the area is north facing and enclosed by walls to the north and west so at present receives a modest amount of direct sunlight: at present 5% of the area achieves 2hrs direct sunlight in March. This would be reduced to 3% by the proposed development, which represents a 40% reduction which constitutes a major adverse impact. However, this change is unlikely to be noticeable given the modest size of the area affected.
- 270 Overall, the impacts to sunlight and daylight of the neighbouring windows are relatively modest taking into account the small number of windows that fall short of the BRE guidelines and the moderate level of the majority of individual transgressions. Higher levels of transgression are very modest and restricted to four rooms for the NSL test and an amenity area that currently receives negligible sunlight. The overall level of harm is therefore not significant and should be assessed in accordance with the GLA advice for dense urban environments, which directs decision makers to apply BRE guidance flexibly in order to optimise the use of development sites.
- 271 The Daylight and Sunlight Report was modelled in accordance with BRE 209 (2011) (2nd Edition) guidance, which at the time of testing was the up to date industry guidance. In June this guidance was superseded by BRE Report 209: Site Layout Planning for Daylight and Sunlight (3rd Edition). The new guidance does not change the standards for daylight and sunlight levels at neighbouring sites and therefore the conclusions of the report are accepted.
- 272 Therefore, the modest level of harm identified within the Daylight and Sunlight Report should not warrant the refusal of the application.

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## 6.5.4 Noise and disturbance

### *Policy*

- 273 The NPPF at para 174(e) states decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. At para 180(a) of the NPPF states that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life
- 274 The National Planning Policy Guidance for Noise (July 2019) advises on how planning can manage potential noise impacts in new development. It states that local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider whether or not:
- a significant adverse effect is occurring or likely to occur;
  - an adverse effect is occurring or likely to occur; and
  - a good standard of amenity can be achieved.
- 275 LPP D14 states that residential development should avoid significant adverse impacts to quality of life.
- 276 DMP 26 states that the Council will require a Noise and Vibration Assessment for noise and/or vibration generating development or equipment and new noise sensitive development, where appropriate, to identify issues and attenuation measures, prepared by a qualified acoustician

### *Discussion*

- 277 The proposed change of use to provide a cinema would introduce a significant noise generating use within an area with a high proportion of residential accommodation. The levels of residential accommodation would also be increased by the development thereby introducing more noise sensitive receptors. For that reason the noise impacts of the cinema would require management and mitigation.
- 278 An Acoustic Report (Auricl, January 2022) has been submitted with the application and assesses the potential impact of the cinema. The report proposed a scheme of sound insulation to be installed internally around each of the four auditoriums in order to prevent internal noise and vibration transference. The report concludes that the proposed sound insulation around the pods together with the upgrades to the insulation of the building more generally, would be effective against modelled typical noise levels for daytime noise standards (7:00 – 23:00). A condition is recommended to secure the recommended sound insulation. The condition will include post installation testing. A condition securing a method statement for the installation will be imposed on the Listed Building Consent application. It will also be necessary to restrict the opening hours until 23:00.
- 279 The addition of residential development would not result in any long-term noise impacts to the surrounding properties. However, there is considerable potential for short-term impacts during the construction phase of development given the scale of the works. This is in terms of noise but also but also from dust and other forms of pollution. Therefore, a

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condition is recommended to secure a Construction Management Plan in order to minimise the impacts of the development. A Condition would also be imposed limiting the time of works and deliveries relating to the construction phase.

### **6.5.5 Impact on neighbours conclusion**

280 The proposed development would result in some adverse impacts to levels of outlook and light at the neighbouring St Peters Gardens. These impacts would not be untypical for a town centre local, where the guidance advises a degree of flexibility is appropriate. Therefore, on balance these impacts are not considered to be harmful. Where members to reach a different conclusion and assess that the impacts to light and outlook levels would be harmful this harm would need to be considered within the overall planning balance. In this case Officers consider that the level of harm would be outweighed by the significant planning merits of the scheme.

281 The impact to the living condition of the neighbouring residential properties is therefore considered acceptable subject to the planning conditions set out above.

## **6.6 SUSTAINABLE DEVELOPMENT**

### *General Policy*

282 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.

283 CS Objective 5 reflect the principles of the NPPF and sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DMP 22 support this.

### **6.6.1 Energy and carbon emissions reduction**

#### *Policy*

284 LPP SI2 stated that major development should achieve zero carbon and should minimise peak energy demand in accordance with the following energy hierarchy: Be lean: use less energy; Be clean: supply energy efficiently; Be green: use renewable energy; and Be seen: monitor energy performance. In doing so, developments are expected to achieve a minimum of 35% improvement on the Part L 2013 target emissions rate, with the aim that residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Commercial development can achieve energy credits as part of a Building Research Establishment Environmental Assessment Method (BREEAM) rating.

285 CSP 8 also states that developments of greater than 1,000sqm should fully contribute to CO2 emission reductions in line with the regional and national requirements, and make a financial contribution to an offset fund if this cannot be adequately achieved on site.

#### *Discussion*

286 An Energy and Sustainability Statement (P3r, February 2022) has been submitted with the application as required by LPP SI2 and CSP 8. The report sets out the strategy to

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minimise emissions in accordance with the London Plan energy hierarchy. The Energy Strategy identifies Air Source Heat Pump (ASHP) as the principle energy source for both the Playtower and the new residential blocks.

287 This strategy was broadly supported by the Council's Sustainability Officer. However, the Sustainability Officer requested clarification over the source of the air for the ASHP for the residential accommodation and detailed strategy showing the design approach for the Playtower including details of the ventilation and fan system. In response the applicant provided a more detailed strategy for the Playtower and clarified that the exhaust ASHPs for the residential blocks would incorporate a balanced heat recovery ventilation unit, with a fresh air fan, exhaust air fan and heat exchanger.

288 Following the submission of the revisions the Sustainability Manager confirmed that the energy strategy for the development is acceptable. The Energy and Sustainability Statement (P3r, February 2022) demonstrated an overall improvement in regulated emissions over the Building Regulations Part L standards for regulated emissions of minimum of 56.71%, substantially better than the 35% minimum. As a result a carbon off-set contribution of £171,000 would be required (£124,317.00 for the commercial and £46,683.00 for the residential buildings), secured as part of the S106 agreement as stipulated by LPP S12. The recommendations of the Energy and Sustainability Statement would also be secured by condition. A condition is also recommended securing evidence that the commercial development would achieve a BREAAAM rating of very good, as set out within the Energy and Sustainability Strategy.

## 6.6.2 Urban Greening

### *Policy*

289 LPP G5 expects major development to incorporate measures such as high-quality landscaping (including trees), green roofs and green walls.

290 CSP 7 expects urban greening and living roofs as part of tackling and adapting to climate change. DMP 24 requires all new development to take full account of biodiversity and sets standards for living roofs.

### *Discussion*

291 LPP G5 imposes a target Urban Greening Factor (UGF) of 0.4 for developments that are predominately residential and 0.3 for predominantly commercial developments. The residential floorspace for the development exceeds that of the commercial and therefore 0.4 is considered the relevant UGF target. The strategy as initially proposed included areas of climbers, hedges, grass turf, permeable hard surfacing and standard tree planting. This lacked high scoring measures such as living roof systems (intensive or extensive), semi-natural vegetation, wetland and flower-rich planting. Consequently, the UGF score of 0.14 as initially proposed was substantially below the target score.

292 Officers recognise the exceptional difficulties of delivering a compliant urban greening contribution at the site given the constraints imposed by the heritage status of the site combined with the need to deliver a functional cinema and residential accommodation. Notwithstanding these constraints, Officers sought confirmation that urban greening was being maximised at the site and requested that the applicant give further consideration to measures that could be undertaken to improve the quality of the scheme.

293 In response, a revised UGF strategy was submitted. The revised strategy includes some improvements including the installation of green roofs to the bins stores, an increase to

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native species and the introduction of species rich grassland. These changes constitute improvements but would not result in an improvement to the UGF score given the modest size of these planted areas and roofs. Despite this Officers are satisfied that urban greening has been maximised taking into account the site constraints detailed above. A condition is recommended securing that the proposed UGF Strategy is implemented in full accordance with the proposed details.

### **6.6.3 Flood Risk**

#### *Policy*

294 NPPF para 159 expects inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Para 167 states development should only be allowed in areas at risk of flooding where mitigation measure can be included.

295 LPP SI12 states that development proposals to ensure that flood risk is minimised and mitigated.

296 CSP 10 requires developments to result in a positive reduction in flooding to the Borough

#### *Discussion*

297 The site is located in Flood Zones 2 and 3 which are defined as having a 'medium probability' and 'high probability' respectively of river and sea flooding within the NPPG. A site specific Flood Risk Assessment (FRA) (Alan Baxter, February 2022) has been submitted in accordance with the national, regional and local requirements. The FRA has been reviewed by the Environment Agency (EA) who have raised no objections in flood risk terms.

### **6.6.4 Sustainable Urban Drainage**

#### *Policy*

298 The NPPF at para 169 expects major development to incorporate sustainable urban drainage systems (SUDS) unless there is clear evidence it is inappropriate.

299 LPP SI13 expects development to achieve greenfield run-off rates in accordance with the sustainable drainage hierarchy.

300 CSP 10 requires applicants demonstrate that the most sustainable urban drainage system that is reasonably practical is incorporated to reduce flood risk, improve water quality and achieve amenity and habitat benefits.

#### *Discussion*

301 A Sustainable Drainage Systems Strategy report was submitted detailing the SuDS strategy for the development. The SuDS strategy has been reviewed by a Flood Risk Officer in the Council's role as lead local flood authority. The Flood Risk Officer has confirmed that the SuDS strategy would achieve greenfield run-off rates in accordance with the London Plan sustainable drainage hierarchy and therefore the strategy is supported. A condition is recommended securing compliance with the SuDS strategy including detailed drawings.

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### **6.6.5 Sustainable Infrastructure conclusion**

302 The scheme is assessed to be acceptable in sustainable development terms, subject to the obligations and conditions detailed above.

## **6.7 NATURAL ENVIRONMENT**

### *General Policy*

303 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.

304 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.

305 The NPPF at para 185 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the sensitivity of the site or wider area to impacts that could arise from the development

### **6.7.1 Ecology and biodiversity**

#### *Policy*

306 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard to the purpose of conserving biodiversity.

307 NPPF para 170 states decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. NPPF para 180 sets out principles which LPAs should apply when determining applications in respect of biodiversity.

308 LPP G6 expects Sites of Importance for Nature Conservation (SINCs) to be protected. Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain.

309 CSP 12 seeks to preserve or enhance local biodiversity.

310 DMP 24 require all new development to take full account of biodiversity in development design, ensuring the delivery of benefits and minimising of potential impacts on biodiversity.

#### *Discussion*

311 The NPPF and the LPP G6 state that development proposals should aim to contribute a net gain in biodiversity. The Biodiversity Net Gain Assessment (Middlemarch, March 2022) submitted with the application identifies a net loss of biodiversity of 47%. This loss is chiefly due to the proposed removal of trees, which account for 69% of the site's biodiversity. The net loss in biodiversity is regrettable but is unavoidable given the site constraints and necessity to introduce built form to the majority of the site. As detailed above, the scheme would deliver significant heritage benefits derived from securing the long-term future of the Grade II Listed Building. As it stands the requirement that development proposals deliver a net-gain in biodiversity is a policy aim rather than a

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requirement. Therefore, the failure to deliver the net gain would not outweigh the significant weight attributed to the heritage benefits of the proposal.

- 312 The harm resulting from the net loss of biodiversity on site would be mitigated in part by ecology enhancement recommended within Section 7.2 of the Preliminary Ecological Appraisal Report (PEAR) (Middlemarch, March 2022). The ecological enhancements recommend the installation of bird and bat boxes, the creation of deadwood habitats for invertebrates and the inclusion of hedgehog passes within the boundary treatments.
- 313 In addition, Officers sought confirmation that despite the site constraints biodiversity was being maximised where possible. In response a revised strategy was submitted that includes green roofs to the bin stores, more native species within the planting schedule and species rich grassland. These changes would result in a slightly lower biodiversity loss of 42%, an improvement on the 47% as initially proposed. These improvements combined with the wildlife enhancement measures are considered sufficient to mitigate the harm arising from the loss of biodiversity taking into account that the loss of biodiversity principally results from the loss of trees and replacements would be secured off-site as a planning obligation
- 314 The PEAR also considers the impact to various protected and notable species. The report finds that there is limited potential for amphibians and reptiles on site and that protected bird species are unlikely. There is potential for stag beetles and the jersey tiger moth. The PEAR has recommended mitigation measures to ensure that there would no harm to protected invertebrates. These measures would be secured by condition. The Bat Surveys initially submitted with the application were carried out in 2018 and had therefore expired. Officers requested that the new survey be carried out in accordance with the national guidance.
- 315 New bat surveys were commissioned by the applicant and a report produced (Dusk Emergence and Dawn Re-Entry Bat Surveys prepared by Middlemarch dated 30 June 2022). The report documents that three further surveys were undertaken: a dusk emergence survey carried out on 5 May 2022 and two dawn re-entry surveys completed on 19 May 2022 and 21 June 2022. Neither study recorded bats emerging or returning to roost in the building with bat activity limited to soprano pipistrelle and common pipistrelle commuting and foraging on the site. Therefore, the report concludes that bat roosts are not likely to be present within the building.
- 316 The Council's Ecologist has reviewed the report and has accepted that the surveys were carried out in accordance with best practice and that development works to the building can occur without the need for further surveys.

## **6.7.2 Trees**

### *Policy*

- 317 S.197 of the Town and Country Planning Act gives LPAs specific duties in respect of trees.
- 318 NPPF para 131 seeks to retain trees wherever possible while para 170 expects development to contribute to and enhance the natural and local environment.
- 319 LPP G7 expects development proposals to ensure that, wherever possible, existing trees of value are retained. Where it is necessary to remove trees, adequate replacement is expected based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or other appropriate valuation system.

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320 CSP 12 seeks to protect trees and prevent the loss of trees of amenity value, with replacements where loss does occur.

321 DMP 25 states that development schemes should not result in an unacceptable loss of trees, especially those that make a significant contribution to the character or appearance of an area, unless they are considered dangerous to the public by an approved Arboricultural Survey. Where trees are removed as part of new development, replacement planting will normally be required. New or replacement species should be selected to avoid the risk of decline or death arising from increases in non-native pests and diseases.

#### *Discussion*

322 An Arboricultural Impact Assessment (AIA) (Middlemarch, March 2022) has been submitted in support of the application. The AIA includes a tree survey, which documents that there are nine individual trees and seven groups of trees on the site. All of the trees are identified as being Category B or C trees with one exception, the T9 Sycamore, which is a Category A tree. The AIA identifies that it would be necessary to remove seven individual trees (T1-T7) and three groups of trees (G1, G3 and G7) to facilitate the construction of the development. The majority of the trees identified for removal are located within or very close to the footprint of the proposed buildings with one group (G3) removed as part of the proposed landscaping scheme.

323 The Tree Officer has raised concerns with the loss of significant trees, particularly the loss of the two frontage sycamore T3 & T4, due to the harmful impact to visual amenity, air quality, mitigating climate change, reducing the heat island effect and wildlife habitat. The removal of the trees is regrettable but is unavoidable and therefore justified given the significant heritage benefits of the scheme. In these circumstances the London Plan is clear (LPP G7) that adequate compensation commensurate with the value of the trees to be removed should be reprovided. This would not be possible on-site given the limited area of landscaping remaining with the site. Therefore, a financial contribution towards off-site provision would be secured by planning obligation to be determined by the CAVAT valuation system. The Tree Officer has calculated the CAVAT valuation for the trees to be removed as £141,085, see table 6 below.

**Table 6. CAVAT valuation of the trees to be removed**

<b>Tree</b>	<b>Species</b>	<b>Height (m)</b>	<b>Category</b>	<b>Value (£)</b>
T1	Sycamore	14.5	C	12,416
T2	Sycamore	14.5	C	6,056
T3	Sycamore	15.5	B	20,837
T4	Sycamore	16.5	B	81,149
T5	Lime	12	B	2,615
T6	Lime	12	B	5,334
T7	Yew	10	B	12,678
Total				141,085

324 The construction phase of the development has the potential to introduce adverse impacts to the trees to be retained on the application site as well as those located on the

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neighbouring sites. For that reason a condition is recommended securing a Tree Protection Plan.

### 6.7.3 Ground pollution

#### *Policy*

325 Failing to deal adequately with contamination could cause harm to human health, property and the wider environment (NPPG, 2014). The NPPF at para 174 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil pollution. Development should help to improve local environmental conditions.

326 The NPPF states decisions should contribute to and enhance the natural and local environment by remediating and mitigating contaminated land, where appropriate (para 174). Further, the NPPF at para 183 and NPPG states decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination.

327 DMP 28 reflects national policy and is relevant.

#### *Discussion*

328 A Site Investigation Report (Harrison Group Environmental Ltd, February 2019) has been submitted in support of the application. The report has been reviewed by an Environmental Protection Officer who has recommended that a condition be imposed for to secure further reports and potential remediation. The EA have also recommended that further details are required for site contamination due to concern with the potential impact to groundwater. In addition the EA have requested that a piling method statement is required prior to undertaking any piling or foundation works. Therefore, conditions are recommended for piling and site contamination.

### 6.7.4 Air pollution

#### *Policy*

329 NPPF para 174 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality. Proposals should be designed and built to improve local air quality and reduce the extent to which the public are exposed to poor air quality. Poor air quality affects people's living conditions in terms of health and well-being. People such as children or older people are particularly vulnerable.

330 LPP SI1 states that development proposals should seek opportunities to identify and deliver further improvements to air quality and should not reduce air quality benefits that result from the Mayor's or boroughs' activities to improve air quality.

331 CSPs 7 and 9 reflect the national and regional guidance and are relevant.

332 DMP 23 sets out the required information to support application that might be affected by, or affect, air quality.

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### *Discussion*

333 An Air Quality Assessment (AQA) (Ensafe, February 2022) was submitted with the application and provides an assessment of the air quality impacts of the construction and operational phases of the development. For the construction phase the AQA concludes that there is potential for harm to local air quality through dust generation but that this could be mitigated by good practice dust control measures. The AQA has been reviewed by an EPO who has accepted this conclusion subject to a condition securing final details of the dust mitigation measures. A condition will therefore be imposed securing a Construction Management Plan (CMP). In addition, a condition is recommended ensuring compliance with the London Non-Road Mobile Machinery (NRMM) Low Emission Zone standards.

334 For the operational phase of development LPP SI1 requires that developments must be air quality neutral. The AQA has assessed the total potential transport emissions generated by the proposed development against the relevant benchmark values and concludes that the development would be air quality neutral in accordance with the London Plan requirement.

### **6.7.5 Light pollution**

#### *Policy*

335 The NPPF at para 180 states limits the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

#### *Discussion*

336 The application site is located in the vicinity of sites that have potential and demonstrable value for local wildlife and nature, including Ladywell Fields and the grounds of St Mary's Church. The proposed development represents a significant increase in the scale of development on the site and with it comes a higher risk of light spill to the surrounding area. For that reason a condition is recommended securing a scheme of lighting to ensure that impacts to local wildlife, and the area generally, are within acceptable levels.

### **6.7.6 Natural Environment conclusion**

337 The proposal development is assessed to be acceptable in regard to the impact to the Natural Environment, subject to the condition and planning obligations detailed above.

## **7 LOCAL FINANCE CONSIDERATIONS**

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

- a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

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- 339 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 340 The CIL is therefore a material consideration.
- 341 £265,600.00 Lewisham CIL and £175,485.71 MCIL is estimated to be payable on this application.

## 8 EQUALITIES CONSIDERATIONS

- 342 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.
- 343 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.
- 344 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.
- 345 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>
- 346 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

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347 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>

348 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

349 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
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

350 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.

351 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.

352 This application has the legitimate aim of providing a new building with residential uses and a change of use to provide a commercial premises. The rights potentially engaged by this application, including Protocol 1, Article 1 and Article 8 are not considered to be unlawfully interfered with by this proposal.

## 10 LEGAL AGREEMENT

353 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible

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to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development

354 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.

355 The following are the draft Heads of Terms to which the applicant has agreed in writing:

#### **Affordable Housing**

- Early Stage Viability Review if an agreed level of progress on implementation is not made within two years of the permission being granted
- Late Stage Viability Review triggered when 75 per cent of the units in a scheme are sold or let

#### **Financial Contribution**

- Carbon Offsetting
- Children's Play Space
- Local labour
- Off-site trees

#### **Car Club Provision**

- To enter into an agreement with a Car Club operator to provide 3 years membership to the first household of each residential unit.

#### **Local Labour**

- To fully participate in the Local Labour and Business Scheme.

#### **Highways Agreement**

- S278 agreement to undertake improvements to the pedestrian environment in the local area.

#### **Car Free**

- Prevent future occupiers from access to residents parking permits for the local CPZ (save for a disabled person's "blue badge" issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970).

#### **Listed Building works**

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- The above ground work in connection with the construction of the Residential Development shall not commence until restoration works on the Commercial Development have commenced.
- No part of the Residential Development shall be occupied until the Commercial Development has been made water tight
- Not to occupy the final 8 Dwellings of the Residential Development until the internal and external works to the Commercial Development have been completed in full including the complete fit out of the cinema and all ancillary spaces

### ***Monitoring and Costs***

- Meeting the Council's reasonable costs in preparing and monitoring the legal obligations

356 Officers consider that the obligations outlined above are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

## **11 CONCLUSION**

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

358 The harm from the conversion of the Listed Building would be low and kept to minimum. This low level of harm is substantially outweighed by the considerable public benefit of preserving and restoring the building by introducing a new viable use that will preserve its long-term future. The residential development is necessary to fund the restoration of the listed building and the proposed blocks would be designed to respond positively and sensitively to the context. The proposed cinema also would deliver positive social and economic impacts to the surrounding area.

359 In housing terms, the provision of 33 residential units would contribute to local targets, which carries weight within the overall planning balance. The financial viability evidence demonstrates that the scheme cannot viably support a contribution to affordable housing due to the costs associated with renovating and converting the Playtower. The quality of the accommodation, proposed housing density and proposed dwelling mix would be compliant with the development plan.

360 The impacts to the local transport network are acceptable and would not require any significant mitigation. Officers have identified adverse impacts to some neighbouring properties in terms of outlook and light levels. However, these are not assessed to warrant the refusal of the application when taking into account the site context and weighed against the considerable planning merits of the scheme.

361 Finally, the proposed development would not achieve the required UGF score and would result in a net loss of biodiversity, principally due to the removal of several trees from the site. These harms are balanced by conditions securing the landscaping and wildlife enhancements in addition to a planning obligation securing a financial contribution to off-

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set the loss of the trees. Officers have not identified any other planning harm related to the natural environment of sustainable development.

362 Overall, the proposed development would introduce some planning harms in relation to the contribution to urban greening and loss of trees and biodiversity. Additionally, the impact to levels of light and outlook would not accord with guidance. Albeit, the GLA advise that it is appropriate to apply that guidance flexibly in a dense urban environments such as the application site. These planning harms are derived from the necessity to deliver a heritage-led scheme that would offset the conservation costs of restoring the Grade II Listed Playtower. The weight given to restoring an at-risk heritage asset is significant and would outweigh the harms outlined above. Furthermore, the scheme would deliver economic and cultural benefits to the surrounding area through the provision of a cinema as well as making a valuable contribution to local housing targets.

363 Therefore, subject to the imposition of conditions and the securing of relevant planning obligations, including financial contributions, the development is judged acceptable and would accord with the Development Plan.

## 12 RECOMMENDATION

That the Committee resolve to **GRANT** planning permission and Listed Building Consent subject to a S106 Legal Agreement and to the following conditions and informatives to cover the principal matters as set out in this report, including other such amendments as considered appropriate to ensure the acceptable implementation of the development.

### 12.1 CONDITIONS

#### 12.1.1 Listed Building Consent – DC/21/125927

##### 1. 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 18 of the Planning (Listed Buildings and Conservation Areas) 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:

LDW\_1250\_N\_01; LDW\_100\_N\_099; LDW\_100\_N\_100; LDW\_100\_N\_101;  
LDW\_100\_N\_102; LDW\_100\_N\_141; LDW\_100\_N\_142; LDW\_100\_N\_143;  
LDW\_100\_N\_161; LDW\_100\_N\_162; LDW\_100\_N\_163; LDW\_200\_N\_100;  
LDW\_100\_A\_141 Rev H; LDW\_100\_A\_142 Rev H; Received 22 March 2022;

LDW\_100\_A\_099 Rev Y; LDW\_100\_A\_100 Rev Y; LDW\_100\_A\_101 Rev Y;  
LDW\_100\_A\_102 Rev Y; LDW\_100\_A\_103 Rev Y; LDW\_100\_A\_143 Rev I;  
LDW\_200\_A\_099 Rev V received 15 June 2022;

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LDW\_100\_A\_161 Rev W; LDW\_100\_A\_162 Rev V; LDW\_100\_A\_163 Rev W;  
LDW\_200\_A\_100 Rev X; LDW\_200\_A\_101 Rev X; LDW\_200\_A\_102 Rev X;  
LDW\_200\_A\_103 Rev X; LDW\_200\_A\_104 Rev X; LDW\_200\_A\_105 Rev X received 5  
July

**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. Temporary Weatherproofing Works

- (a) No works whatsoever shall commence on site until detail of the temporary work necessary to make the building weather proof have been submitted to and approved in writing by the local planning authority.
- (b) The temporary weatherproofing works shall be carried out in full accordance with the details approved by under part (a).

**Reason:** To safeguard the building and ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### 4. Site Contracts

No works, with the exception of temporary weatherproofing works to the existing building (carried out in accordance with the details approved by Condition 3), shall commence on site until evidence of the contract(s) for the carrying out of the completion of the entire scheme, in accordance with the consent hereby granted, have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### 5. Historic Building Recording

A) No works, with the exception of temporary weatherproofing works to the existing building (carried out in accordance with the details approved by Condition 3), shall commence on site until a programme of historic building recording in accordance with a Written Scheme of (historic building) Investigation has been submitted and approved by the local planning authority.

b) No part of the development shall be occupied until the building recording is completed in accordance with the programme set out in the approved Written Scheme of investigation and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

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**Reason:** In order to ensure that any finds or remains are preserved, either in situ or by record, and to allow subsequent analysis of the results.

## 6. Condition Survey and Structural Report

No works, with the exception of temporary weatherproofing works to the existing building (carried out in accordance with the details approved by Condition 3), shall commence on site until a condition survey and structural engineers report for the First Class Pool Hall has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 7. Salvage Audit

(a) No works, with the exception of temporary weatherproofing works to the existing building (carried out in accordance with the details approved by Condition 3), shall commence on site until full details of the salvage audit and reuse strategy (to include fragments of well coping, metal fire doors and any other historic fixtures and fittings known or discovered in the building) has been submitted to and approved in writing by the Local Planning Authority.

(b) The works shall be carried out in full accordance with the details approved under part (a).

**Reason:** To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 8. Hidden Features

If during the works any hidden architectural or historic features are revealed, the local planning authority must be made aware of any such discovery immediately and a full method statement for the preservation and treatment of the features in-situ shall be submitted to and approved in writing by the local planning authority before any further work on the relevant part of the building proceeds. The method statement approved by the local planning authority shall be implemented in full.

**Reason:** To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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## 9. Accessibility and Signage

(a) No works, with the exception of temporary weatherproofing works to the existing building (carried out in accordance with the details approved by Condition 3), shall commence on site (excluding demolition) until site wide strategies for the following i) Accessibility ii) Fire safety iii) Signage (internal and external), have been submitted to and approved in writing by the Local Planning Authority.

(b) The strategy approved under part (a) shall be provided in full prior to the occupation of the development and retained thereafter.

**Reason:** In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 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, Development Management Local Plan (November 2014).

## 10. On-site Archive

(a) No part of the development shall be occupied until the proposals for the siting of the on-site archive and permanent displays of information relating to the history of the building have been submitted to and approved in writing by the Local Planning Authority.

(b) The archive and permanent displays approved under part (a) shall be provided in full prior to the occupation of the development and retained thereafter.

**Reason:** To ensure that special regard is paid to preserving the historic interest of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 11. External Works

(a) No works, with the exception of temporary weatherproofing works to the existing building (carried out in accordance with the details approved by Condition 3), shall commence on site (excluding demolition) until details of the following external treatments and features have been submitted to and approved in writing by the Local Planning Authority:

- (i) Treatment/protection of 'penny holes' on front elevation;
- (ii) All new window and door joinery including glazed lanterns, and method of upgrading and restoring retained timber and metal window joinery (drawings at scale 1:5, 1:10 and 1:20 as appropriate);

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- (iii) New railings to northern boundary wall and any associated works to the wall (drawings at scale 1:5, 1:10 and 1:20 as appropriate); ;
- (iv) Sample panel of new brickwork for a) southern elevation rebuilding, b) eastern elevation rebuilding (to include blind openings), c) east block cycle parking and Cinema escape structure;
- (v) Method of screening for churchyard wall;

(b) The external works approved under part (a) shall be completed in full accordance with the approved details prior to the occupation of development and retained permanently thereafter.

**Reason:** In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 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, Development Management Local Plan (November 2014).

## 12. Tower Works

- (a) No works, with the exception of temporary weatherproofing works to the existing building (carried out in accordance with the details approved by Condition 3), shall commence on site (excluding demolition) until details of works to the interior and exterior of the tower including (i) detailed drawings of the reconstruction of the conical roof, (ii) all external materials, (iii) treatment of the interior wall surfaces, have been submitted to and approved in writing by the Local Planning Authority.
- (b) The works to the tower approved under part (a) shall be completed in full accordance with the approved details prior to the occupation of development and retained permanently thereafter.

**Reason:** In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 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, Development Management Local Plan (November 2014).

## 13. First Class Pool Works

- (a) No works, with the exception of temporary weatherproofing works to the existing building (carried out in accordance with the details approved by Condition 3), shall commence on site (excluding demolition) until details of the following works to the First Class Pool Hall have been submitted to and approved in writing by the Local Planning Authority.
  - (i) Timber flooring to first class pool hall and method of fixing to existing structure;
  - (ii) Proposed repairs to the First Class Pool Hall Structure;
  - (iii) Restoration and refixing of cast iron balustrade to gallery (in accordance with the approved salvage audit and reuse strategy);

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- (iv) Cinema 1 pod materials and details, its placement and fixing, and treatment of reveals of pool tank;
- (v) Proposed treatment and colour finishes to all new and retained fabric within the First Class Pool Hall, including ceilings, walls, doors, structural members and windows;
- (vi) Proposed lighting to the First Class Pool Hall;
- (vii) Reinstatement of gallery and stairs in First Class Pool Hall;

(b) The works to the First Class Pool Hall approved under part (a) shall be completed in full accordance with the approved details prior to the occupation of development and retained permanently thereafter.

**Reason:** In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 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, Development Management Local Plan (November 2014).

### 13. Internal Works

(a) No works, with the exception of temporary weatherproofing works to the existing building (carried out in accordance with the details approved by Condition 3), shall commence on site (excluding demolition) until details of the following internal works have been submitted to and approved in writing by the Local Planning Authority.

- (i) Method of cleaning of brick, glazed brick or tile, floor surfaces throughout, with test panels;
- (ii) works to reveal and restore the entrance arcade floor, column and steps, and details of junction with external landscaping;
- (iii) Proposed treatment of all new and retained fabric to the entrance arcade and foyer area, including any fixed reception desks, partitioning, lighting, electronic information equipment;
- (iv) Courtyard roof, staircase, glazing, connections/fixings to listed building, works to revealed historic elevations and new openings formed in historic fabric;
- (v) Details of the proposed treatment of all new and retained fabric in a) the former Boardroom (later Office) at the north east corner of the building; b) the tower
- (vi) Internal elevation drawings showing all new openings in historic fabric (drawings at scale 1:5, 1:10 and 1:20 as appropriate);

(b) The works to the interior of the building approved under part (a) shall be completed in full accordance with the approved details prior to the occupation of development and retained permanently thereafter.

**Reason:** In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 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

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setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens, Development Management Local Plan (November 2014).

#### 14. External Pipework

No new plumbing, soil stacks, flues, vents, ductwork or rainwater goods and soil pipes shall be fixed on the exterior of the building unless shown on the drawings hereby approved or as otherwise agreed in writing by the Local Planning Authority.

**Reason:** In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 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, Development Management Local Plan (November 2014).

#### 15. External Equipment

No new grilles, security alarms, lighting, cameras, display screens or other appurtenances shall be fixed to the exterior of the building unless shown on the drawings hereby approved or as otherwise agreed in writing by the Local Planning Authority.

**Reason:** In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 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, Development Management Local Plan (November 2014).

### 12.1.2 Planning Permission - DC/22/126038

#### 1. 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:

LDW\_1250\_N\_01; LDW\_100\_N\_099; LDW\_100\_N\_100; LDW\_100\_N\_101;  
LDW\_100\_N\_102; LDW\_100\_N\_141; LDW\_100\_N\_142; LDW\_100\_N\_143;  
LDW\_100\_N\_161; LDW\_100\_N\_162; LDW\_100\_N\_163; LDW\_200\_N\_100;  
LDW\_200\_X\_102 Rev C; LDW\_100\_A\_141 Rev H; LDW\_100\_A\_142 Rev H;  
Received 22 March 2022;

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LDW\_100\_A\_099 Rev Y; LDW\_100\_A\_100 Rev Y; LDW\_100\_A\_101 Rev Y;  
LDW\_100\_A\_102 Rev Y; LDW\_100\_A\_103 Rev Y; LDW\_100\_A\_143 Rev I;  
LDW\_200\_A\_099 Rev V received 15 June 2022;

LDW\_100\_A\_161 Rev W; LDW\_100\_A\_162 Rev V; LDW\_100\_A\_163 Rev W;  
LDW\_100\_A\_200 Rev J; LDW\_100\_A\_201 Rev J; LDW\_100\_A\_261 Rev D;  
LDW\_100\_A\_300 Rev J; LDW\_100\_A\_301 Rev J; LDW\_100\_A\_302 Rev J;  
LDW\_100\_A\_341 Rev K; LDW\_100\_A\_361 Rev E; LDW\_200\_A\_100 Rev X;  
LDW\_200\_A\_101 Rev X; LDW\_200\_A\_102 Rev X; LDW\_200\_A\_103 Rev X;  
LDW\_200\_A\_104 Rev X; LDW\_200\_A\_105 Rev X; LDW\_200\_X\_100 Rev D received  
5 July 2022;

**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. Archaeology

(a) No development, with the exception of temporary weatherproofing works to the existing building (carried out in accordance with the details approved by Condition 3 of Listed Building Consent reference DC/22/125927), shall commence on site until a programme of archaeological work in accordance with a Stage 1 Written scheme of Investigation (WSI) has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition or works shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

(b) If heritage assets of archaeological interest are identified by the Stage 1 WSI, a Stage 2 WSI, for those parts of the site which have archaeological interest, shall be submitted to and approved in writing by the local planning authority. For land that is included within the Stage 2 WSI, no demolition or works shall take place other than in accordance with the agreed Stage 2 WSI which shall include:

(i) The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

(ii) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

(c) In the event a Stage 2 WSI is required, the development shall not be occupied until the programme approved under part (b)(ii) has been implemented in full and evidence submitted to and approved in writing by the local planning authority.

**Reason:** To ensure adequate access for archaeological investigations in compliance with Policy 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy HC1 Heritage conservation and growth of the London Plan (March 2021).

### 4. Construction Management Plan

No development, with the exception of temporary weatherproofing works to the existing building (carried out in accordance with the details approved by Condition 3 of Listed Building Consent reference DC/22/125927), shall commence on site until such

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time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-

- (a) Dust mitigation measures.
- (b) The location and operation of plant and wheel washing facilities
- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
  - (i) Rationalise travel and traffic routes to and from the site.
  - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
  - (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements.

The development shall then be carried out in full accordance with the approved Construction Management Plan.

**Reason:** In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy S11 Improving air quality and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

## 5. Site Contamination

- (a) No development, with the exception of temporary weatherproofing works to the existing building (carried out in accordance with the details approved by Condition 3 of Listed Building Consent reference DC/22/125927), shall commence until :-
  - (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority in consultation with the Environment Agency.
  - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency.
  - (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified ("the new contamination") the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or

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adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.

- (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency.

This shall include verification of all measures, or treatments as required in (Section (a) i & ii) and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full.

The closure report shall include verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality requirements as agreed by the authority. Inherent to the above, is the provision of any required documentation, certification and monitoring, to facilitate condition requirements.

**Reason:** To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

## 6. External Sound Insulation

- (a) The residential accommodation shall not be occupied until a scheme of sound insulation against external noise and vibration has been submitted to and approved in writing by local planning authority. The sound insulation shall achieve levels not exceeding 30dB LAeq (night) and 45dB LAm<sub>ax</sub> (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided.
- (b) The residential accommodation shall not be occupied until the sound insulation scheme approved pursuant to paragraph (a) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

**Reason:** To safeguard the amenities of future residents and to comply with Paragraph 174 of the National Planning Policy Framework, Policies D13 Agent of change and D14 Noise of the London Plan of the London Plan (March 2021) and DM Policies 26 Noise and Vibration and 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

## 7. Cinema Soundproofing

- (a) Prior to the completion of the internal fit-out of the cinema hereby approved, the soundproofing measures detailed in Section 7 of the Acoustic Report (Auricl, January 2022), shall be implemented in full.
- (b) Following the installation of the soundproofing approved in part (a) and prior to the first occupation of the residential accommodation, a report detailing the

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results of post-completion sound testing to demonstrate compliance with part (a), shall be submitted to and approved in writing by the local planning authority. The report shall be undertaken by qualified independent acoustician. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

**Reason:** To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 174 of the National Planning Policy Framework, Policies D13 Agent of change and D14 Noise of the London Plan of the London Plan (March 2021) and DM Policies 26 Noise and Vibration and 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

## 8. Plant Noise

- (a) The rating level of the noise emitted from the fixed plants for the residential blocks and substation for the commercial development, as shown on drawings LDW\_200\_A\_100 Rev X and LDW\_100\_A\_103 Rev Y, shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:2014.
- (b) The development shall not be occupied until details of a scheme complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority.
- (c) The development shall not be occupied until the scheme approved pursuant to paragraph (b) of this condition has been implemented in its entirety. Thereafter the scheme shall be maintained in perpetuity.

**Reason:** To safeguard the amenities of the adjoining premises and the area generally and to comply with DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

## 9. BREEAM

- (a) The commercial use hereby approved shall achieve a minimum BREEAM Rating of 'Very Good'.
- (b) Prior to the commencement of above ground works, with the exception of temporary weatherproofing works to the existing building (carried out in accordance with the details approved by Condition 3 of Listed Building Consent reference DC/22/125927), a Design Stage Certificate for the building (prepared by a Building Research Establishment qualified Assessor) shall be submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (c) Within 3 months of occupation of the commercial building, evidence shall be submitted to and approved in writing by the local planning authority, in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with part (a).

**Reason:** To comply with Policy SI 2 Minimising greenhouse gas emissions of the London Plan (March 2021) and Core Strategy Policy 7 Climate change and adapting

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to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

## 10. Glazing Boxes and Screening

- (a) Notwithstanding the details hereby approved, no development above ground level shall commence on site, with the exception of temporary weatherproofing works to the existing building (carried out in accordance with the details approved by Condition 3 of Listed Building Consent reference DC/22/125927), until detailed plans at a scale of 1:5 showing the design and glazing type for the projecting glazing boxes (Oriel windows) and design of the terrace screening for the eastern elevation of the South Block and southern elevation of the East Block, have been submitted to and approved in writing by the local planning authority
- (b) The details approved under part (a) shall be provided in full prior to the first occupation of the residential accommodation and retained thereafter.

**Reason:** In order that the local planning authority may be satisfied as to the detailed treatment of the proposal 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. SuDS

- (a) No development (other than demolition of above ground structures) shall commence on site, with the exception of temporary weatherproofing works to the existing building (carried out in accordance with the details approved by Condition 3 of Listed Building Consent reference DC/22/125927), until final details of the scheme for surface water management to comply with the Proposed Sustainable Drainage Systems Strategy (Alan Baxter, May 2022), including specifications of the surface treatments, management plan and sustainable urban drainage solutions, has been submitted to and approved in writing by the local planning authority.
- (b) The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.

**Reason:** To prevent the increased risk of flooding and to improve water quality in accordance with Policy SI 12 Flood risk management in the London Plan (March 2021) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10: Managing and reducing the risk of flooding (2011).

## 12. Piling Method Statement

- (a) No piling or any other foundation designs using penetrative methods shall take place, other than with the prior written approval of the local planning authority.
- (b) Details of any such operations must be submitted to and approved in writing by the local planning authority, in consultation with Thames Water and the EA, prior to the commencement of development on site, with the exception of temporary weatherproofing works to the existing building (carried out in accordance with the details approved by Condition 3 of Listed Building Consent reference DC/22/125927), and shall be accompanied by details of the relevant penetrative methods.

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- (c) Any such work shall be carried out only in accordance with the details approved under part (b).

**Reason:** To prevent pollution of controlled waters and to comply with Core Strategy (2011) Policy 11 River and waterways network and Development Management Local Plan (November 2014) DM Policy 28 Contaminated land.

### 13. **Materials & Detailed Design**

(a) Prior to the commencement of the relevant part of the development a detailed schedule and specification including manufacturer's literature or detailed drawings, in respect of the following:

- i) brickwork, mortar, bond and pointing (sample panels to be constructed on site);
- ii) brick detailing, coping and junctions (sections at scale 1:10);
- iii) roofing materials and roof junctions (sections at scale 1:10);
- iv) windows, external doors and reveals (sections at scale 1:5);
- v) rainwater goods;
- vi) balconies and balustrades

has been submitted to and approved in writing by the local planning authority

- (b) The works shall then be carried in full accordance with the approved details prior to the first occupation of the residential development, and retained thereafter.

**Reason:** In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011) and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character 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, Development Management Local Plan (November 2014).

### 14. **Refuse & Recycling Facilities**

(a) Prior to the first occupation of the development, a waste management plan for the site (including details of the refuse holding area, management strategy on collection days and location and quantum of refuse and recycling facilities for the residential and commercial buildings) shall be submitted to and approved in writing by the local planning authority.

- (b) The waste management plan approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

**Reason:** In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local

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character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

#### 15. **Cycle Parking Facilities**

(a) Prior to the first occupation of the development, full details of the cycle parking facilities (56 long stay and 30 short stay spaces) including details of the appearance for the external store(s) shall be submitted to and approved in writing by the local planning authority.

(b) All cycle parking spaces shall be provided and made available for use prior to the occupation of the development and maintained thereafter.

**Reason:** In order to ensure adequate provision for cycle parking and to comply with Policy T5 Cycling and Table 10.2 of the London Plan (March 2021) and Policy 14: Sustainable movement and transport of the Core Strategy (2011).

#### 16. **Hard Landscaping**

(a) Prior to the first occupation of the development drawings and a material schedule showing hard landscaping of any part of the site not occupied by buildings to comply with drawing LDW\_200\_x\_102 Rev D (including details of the permeability of hard surfaces) shall be submitted and approved in writing by the local planning authority.

(b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies SI 12 Flood risk management in the London Plan ( March 2021), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

#### 17. **Tree Protection Plan**

(a) No development, with the exception of temporary weatherproofing works to the existing building (carried out in accordance with the details approved by Condition 3 of Listed Building Consent reference DC/22/125927), shall commence on site until a Tree Protection Plan (TPP) has been submitted to and approved by the Council. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.

(b) The measures set out in the TPP shall be implemented in full prior to the commencement of works and the development carried out in full accordance with the approved TPP.

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**Reason:** To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

#### 18. **Archaeology Public Consultation**

- (a) No development, with the exception of temporary weatherproofing works to the existing building (carried out in accordance with the details approved by Condition 3 of Listed Building Consent reference DC/22/125927), shall commence until details of an appropriate programme of public engagement including a timetable have been submitted and approved in writing by the local planning authority.
- (b) The development shall be carried out in accordance with the approved programme.

**Reason:** In order to secure public interpretation and presentation of the site's archaeology and to comply with Policy 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy HC1 Heritage conservation and growth of the London Plan (March 2021).

#### 19. **Soft Landscaping**

- (a) A scheme of soft landscaping to comply with drawing LDW\_200\_X\_101 Rev E (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits and such trees shall follow the right tree, right place principle) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development. .
- (b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

#### 20. **Boundary Treatments**

- (a) Details of the proposed boundary treatments LDW\_200\_X\_100 Rev C including a detailed specification of any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development.

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- (b) The approved boundary treatments shall be implemented in accordance with part (a) prior to occupation of the buildings and retained in perpetuity.

**Reason:** To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

## 21. **Wildlife Enhancement Measures**

- (a) Details of the number and location of the bird/bat boxes and bricks, and other ecological enhancement measures as detailed in the Preliminary Ecological Appraisal (to include hedgehog highways, details of planting and log piles) (Middlemarch, February 2022), to be provided as part of the development hereby approved, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development.
- (b) The works shall be carried out in accordance with the approved details prior to the occupation of the development and shall be maintained as such for the lifetime of the development.

**Reason:** To comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

## 22. **Electric Vehicle Charging Points**

- (a) Details of the number and location of the electric vehicle charging points to be provided and a programme for their installation and maintenance shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development..
- (b) The electric vehicle charging points as approved shall be installed prior to occupation of the Development and shall thereafter be retained and maintained in accordance with the details approved under (a).

**Reason:** To reduce pollution emissions in an Area Quality Management Area in accordance with Policy T6 Car parking in the London Plan (March 2021), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

## 23. **Energy & Sustainability Statement**

The development shall not be occupied until a report has been submitted to and approved in writing by the local planning authority demonstrating that the measures identified within the Energy and Sustainability Statement (P3r, February 2022), Services Strategy and Email from Mark Batchelor (dated 12 May 2022) have been implemented in full. The measures identified shall be retained for the lifetime of the development.

**Reason:** In order to comply with Policy SI2 Minimising greenhouse gas emissions of the London Plan (2021) and Core Strategy Policies 7 Climate change and adapting to the effects and 8 Sustainable design and construction and energy efficiency (2011).

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## 24. Overheating Assessment

The development shall not be occupied until a report has been submitted to and approved in writing by the local planning authority demonstrating that the overheating mitigation measures identified within Section 4.2 of the Energy and Sustainability Statement (P3r, February 2022) have been implemented in full. The measures identified shall be retained for the lifetime of the development.

**Reason:** In order to provide acceptable living conditions for the occupants of the residential accommodation and to comply with Policy SI4 Managing heat risk of the London Plan (March 2021) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

## 25. External Lighting

(a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.

(b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.

(c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

**Reason:** In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with DM Policy 24 Biodiversity, living roofs and artificial playing pitches and DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

## 26. Delivery & Servicing Plan

(a) The development shall not be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.

(b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.

(c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

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

## 27. Travel Plan (Residential)

(a) No part of the development hereby approved shall be occupied until such time as a user's Travel Plan for the residential development, in accordance with Transport for London's document 'Travel Planning for New Development in

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London' has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.

- (b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.
- (c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

**Reason:** In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

#### 28. **Travel Plan (Commercial)**

- (a) No part of the development hereby approved shall be occupied until such time as a user's Travel Plan for the commercial development, in accordance with Transport for London's document 'Travel Planning for New Development in London' has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.
- (b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.
- (c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

**Reason:** In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

#### 29. **Urban Greening Factor**

The development shall not be occupied until a report and plans has been submitted to and approved in writing by the local planning authority demonstrating that the measures identified within the drawing C155004-08-01-RevA have been implemented in full and a Urban Greening Factor (UGF) score of at least 0.14 has been achieved. The UGF score shall be calculated in accordance with Policy G5 and Table 8.2 of the London Plan (March 2021). The measures identified shall be retained for the lifetime of the development.

**Reason:** In order to ensure that the development would make an appropriate contribution to the greening of London and to comply with Policy G5 Urban greening of the London Plan (March 2021).

#### 30. **Wheelchair Dwellings**

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The four wheelchair dwellings hereby approved and identified as Units 2 and 3 in the South Block (drawing LDW\_100\_A\_300 Rev I) and Units 3 and 4 in the East Block (drawing LDW\_100\_A\_200 Rev H) shall be constructed to comply with Requirement M4(3), prior to their first occupation. All other residential units shall be constructed to meet Requirement M4(2), prior to first occupation.

**Reason:** To ensure that there is an adequate supply of wheelchair accessible housing in the Borough in accordance with Policy D7 Accessible housing of the London Plan (March 2021), Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

### 31. **Pipework**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, including than rainwater pipes, shall be fixed on the external faces of the buildings without the consent of the local planning authority.

**Reason:** In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

### 32. **Use of Flat Roofs**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roof on the building hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

**Reason:** In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 32 Housing design, layout and space standards and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

### 33. **Car Parking Spaces**

The three car parking spaces shown on drawing no. LDW\_200\_X\_100 Rev C hereby approved, shall be provided prior to the occupation of any dwelling and retained permanently thereafter

**Reason:** To ensure the permanent retention of the spaces for parking purposes and to comply with Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car Parking of the Development Management Local Plan, (November 2014), and Policy T6.1 Car parking and Table 10.3 of the London Plan (March 2021)

### 34. **Construction Works Hours**

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No construction activity (including works or deliveries taken at or despatched to the site) shall take place other than between the hours of 8 am and 6pm 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 comply with Paragraph 174 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).

35. **Non-Road Mobile Machinery (NRMM)**

On-site plant and machinery must comply with the London Non-Road Mobile Machinery (NRMM) Low Emission Zone standards.

**Reason:** In order that the local planning authority may be satisfied that the demolition and construction process will minimise air pollution and to comply with Policy S11 Improving air quality of the London Plan (March 2021).

36. **Water Efficiency**

Mains water consumption shall be compliant with the Optional Requirement set out in Part G of the Building Regulations of 105 litres or less per head per day.

**Reason:** In order to minimise the use of mains water and to comply with Policy S15 Water infrastructure of the London Plan (March 2021).

37. **Fire Safety**

The development shall be constructed in full accordance with the Fire Safety Statement (ORSA, February 2022).

**Reason:** In order that the health and safety of future residents would be safeguarded and to comply with Policies D5 Inclusive design and D12 Fire safety of the London Plan (March 2021).

38. **Unit mix**

The development shall provide 33 residential units comprised of 8 one-bedroom two-person and 2 two-bedroom four-person flats within the East Block and 11 one-bedroom two-person, 1 two-bedroom three-person and 11 two-bedroom four-person flats within the South Block

**Reason:** To comply with the unit mix assessed under this application.

## 12.2 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,

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positive discussions took place which resulted in further information being submitted.

- 2) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An 'assumption of liability form' must be completed and before development commences you must submit a 'CIL Commencement Notice form' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- 3) You are advised that the approved development is subject to a Section 106 agreement. Please ensure that the obligations under the Section 106 agreement are addressed in accordance with the details and timeframes set out in the agreement. If you have any questions regarding the agreement or how to make a payment or submission required under the agreement, please contact the S106/CIL team on [CIL@lewisham.gov.uk](mailto:CIL@lewisham.gov.uk).
- 4) The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.
- 5) The applicant is advised to contact the South East Design Out Crime Office in order to secure Secured By Design accreditation.

## **13 BACKGROUND PAPERS**

1. Submission drawings
2. Submission technical reports
3. Internal consultee responses
4. Statutory consultee responses
5. Local meeting minutes

## **14 REPORT AUTHOR AND CONTACT**

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# APPENDIX 1

## Local Meeting - Tuesday 21 June 2022

**DC/22/125927 & DC/22/126038:** Planning permission and listed building consent for the repair, restoration and change of use of the listed building at Lewisham Playtower, Ladywell Road SE13, as a multi-screen cinema together with the construction of a part 1/part 3 storey residential block and a part 1/ part 5 storey residential block to provide 33 self-contained flats, with the provision of 3 car and 88 cycle parking, bin storage, associated landscaping, boundary enclosures and plant room.

### Participants:

- *Cllr Liz Johnston-Franklin (Chair)*
- *Alfie Williams (Case Officer)*
- *Mark Batchelor (Planning Agent)*
- *Malcolm McGregor (Architect)*

### Minutes of the meeting

Cllr Johnston-Franklin (Chair) – Welcomes everybody to the meeting

*Alfie Williams (AW)* – Provides a brief introduction to the case and the purpose and rules of the meeting

Malcolm McGregor (MM) – Gives a presentation beginning with the history of the site and background to the application. Then provides an overview of the proposed development.

*At this stage of the meeting the chair opened the meeting for questions and comments.*

### Questions and comments from members of the public are detailed below:

Q: Eleanor Keech (EK) – Asked a question regarding the impact to light and privacy to St Peters Gardens and whether the daylight/ sunlight report has regard to the impact to St Peters Gardens. Also raised concerns with the loss of trees.

Q: Ewa Szczepaniak (ES) – requested clarification over whether the Daylight and Sunlight Report considers the impact to the north elevation of St Peters Gardens

A: Mark Batchelor – States that an Arboricultural Impact Assessment and Tree Survey have been carried out and that the trees identified for removal are Category B and C trees so less valuable. Confirmed that Category A and some Category B trees would be retained and that a Tree Protection Plan has been submitted to protect those trees. Then noted that the removal of some trees is unavoidable in order to facilitate development and that 20 trees would be planted as mitigation.

MB then confirmed that the light impact was considered through pre-application and consultation stage. Then stated that the Daylight/Sunlight submitted with application finds that overall the impacts would be acceptable. Noted that it is difficult site to development due to site constraints but pointed to the town centre location where there are reduced expectations due to being tightly knit. Stated that the scheme is the best that can be achieved while delivering the quantum of development required to fund the restoration of the Playtower and pointed to the design of the buildings which steps back as the height rises.

Q. Chair – Stated that the boundary is very close and recommended that the applicant undertake a site visit to the neighbouring building.

A: MB – Confirmed that he was happy to undertake a visit site.

Q: ES – Asked why the daylight and sunlight analysis has been carried out without visiting the building?

A: MM – Answered that the plans for St Peters Gardens are publically available and that the report has been carried out in accordance with guidance.

Q: EK –Doubted the conclusions of the report given that no site visit was undertaken.

A: MM – Clarified that the assessment is based on the floor area and size of windows, which could be obtained from the plans.

Q: Stacey Lockyer (SL) – Asked for clarification over how light assessments are carried out.

A: MB – Answered that assessments are carried out using BRE guidance, which has recently been revised to be more in line with GLA guidance on context. The guidance sets out a process for understanding impact and uses 3D modelling and surveying to calculate. Stated that some councils employ specialists to review Daylight and Sunlight reports.

A: AW – Explained that the Council does not employ a specialist but that planning officers are very experienced at assessing Daylight and Sunlight Reports.

Q: SL – Stated that assumptions on the use of rooms may not be accurate due to the increase in working from home.

Q: Mark Upton (MU) – Asked a question regarding the impact to the nursery to the west.

A: MB – Confirmed that the impact has been considered with the flats designed so that the main living space is not orientated towards the nursery.

Q: MU – Responded that the playground would be overlooked which is problematic in winter as the trees would not provide screening.

A MB – Explained that the natural view would be over the playground towards the station and park.

A: MM – Confirmed that the main living spaces would face south.

Q: Ollie Yates (OY) – asked whether the nursery has been consulted

Q: MU – Confirmed that they have been consulted.

Q: ES – Asked a question regarding guidelines for privacy impacts.

A: MB – Confirmed that consideration has been given to the orientation and aspect of the flats. Stated that there is no fixed policy on privacy distances but that landscaping is proposed to help filter views.

Q; ES – Stated that dual aspect is not an option for current residents.

Q: SL – Asked whether the daylight and sunlight analysis will be updated to reflect changes to the layouts of the flats such as use as home offices?

A: MB – The analysis could be update if assumptions are incorrect

Q: SL – Stated that drawings should be produced showing the relationship between the windows of the new buildings and St Peters Gardens.

Q: MU – Asked whether there are balconies on the south side?

A: MM – Confirmed that there are balconies on the southern elevation.

Q: MU – Stated that overlooking to the nursery is a safeguarding issue that would have a negative impact on the business.

Q: ES – Noted that development would also affect house prices.

Q: Matt Shilston (MS) – Expressed support for the restoration of the Playtower but raised concerns with the loss of trees and impact to the light, privacy and outlook of neighbours.

Q: Tony Rich (TR) – Made comments in support of restoring the Playtower and noted that adverse impacts to St Peters Gardens are unavoidable given the proximity of that building to the site boundary.

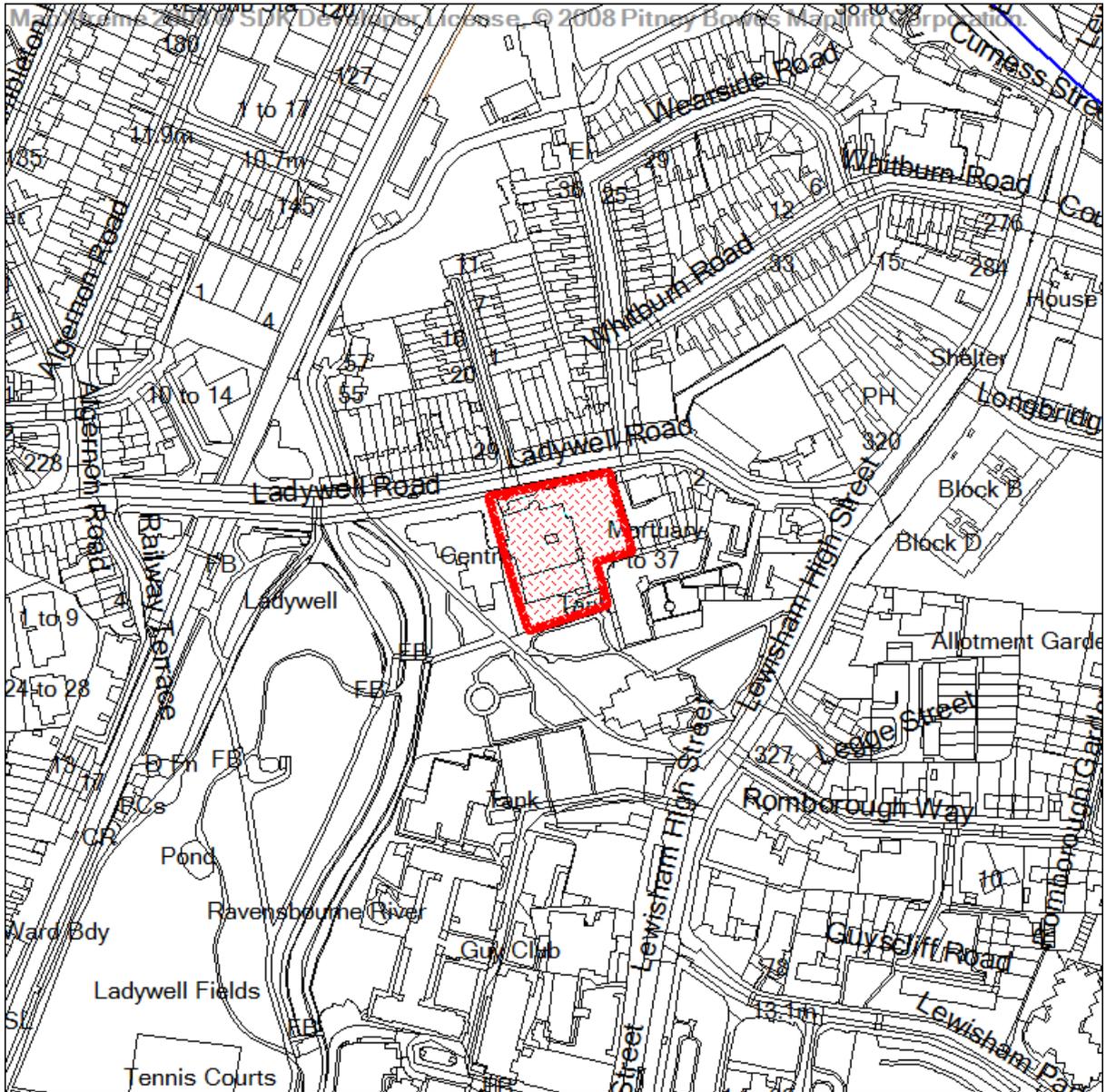
Chair – Noted that there is a need for a site visit and to consider the safeguarding impact moving forward.

Q: EK – Confirmed that she would be happy to liaise on behalf of residents

A: AW – Agreed to pass on the relevant contact details.

*The chair brings to meeting to a close at this stage and thanked everyone for taking the time to attend*

*End*



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**Lewisham Playtower**

**Ladywell Road**

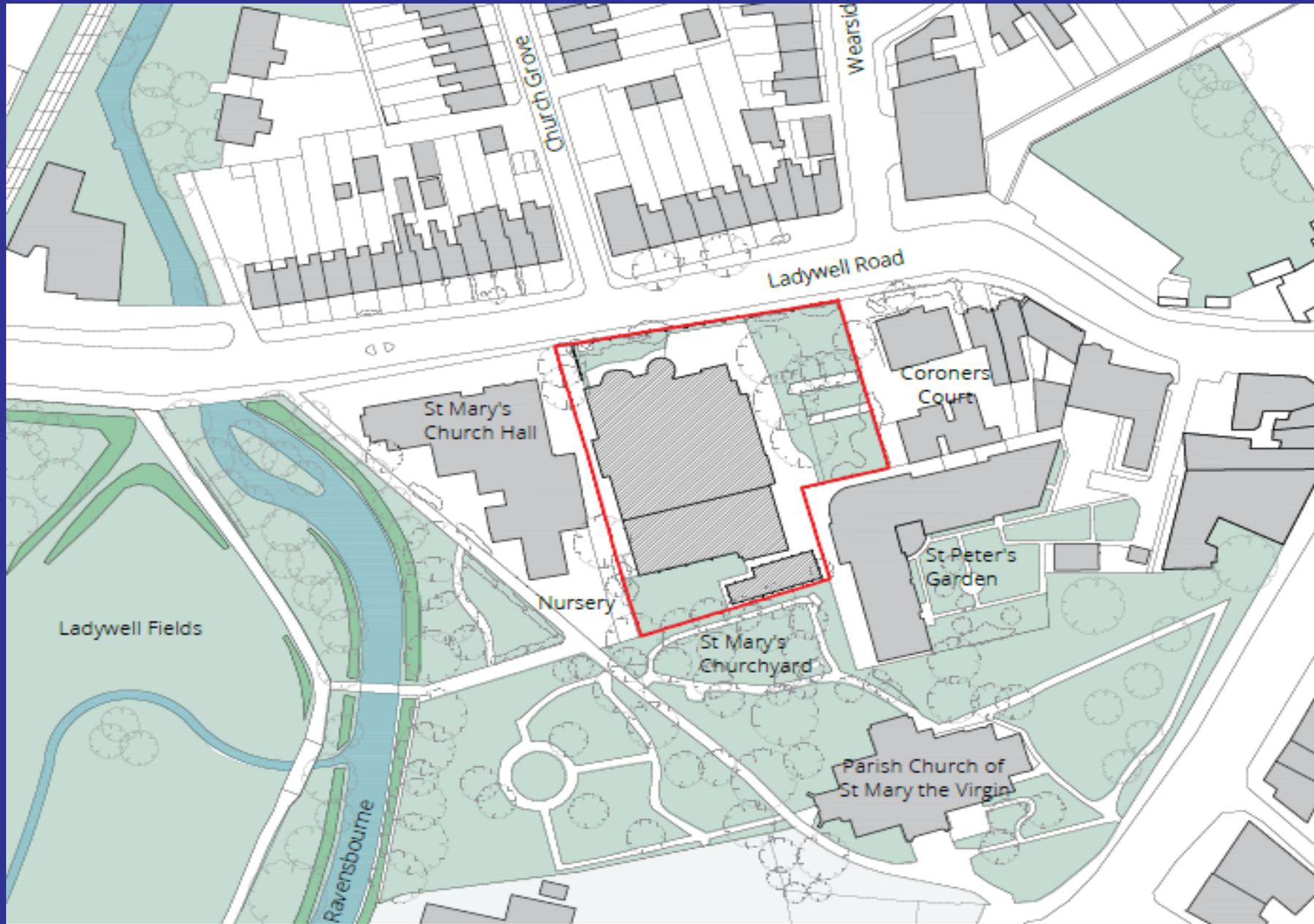
**London**

**SE13 7UW**

**Application Nos. DC/22/125927 &  
DC/22/126038**

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

Planning permission & Listed Building Consent for the repair, restoration and change of use of the listed building at Lewisham PlayTower, Ladywell Road SE13, as a multi-screen cinema together with the construction of a part 1/part 3 storey residential block and a part 1/ part 5 storey residential block to provide 33 self-contained flats, with the provision of 3 car and 88 cycle parking, bin storage, associated landscaping, boundary enclosures and plant room.



# Site Location Plan





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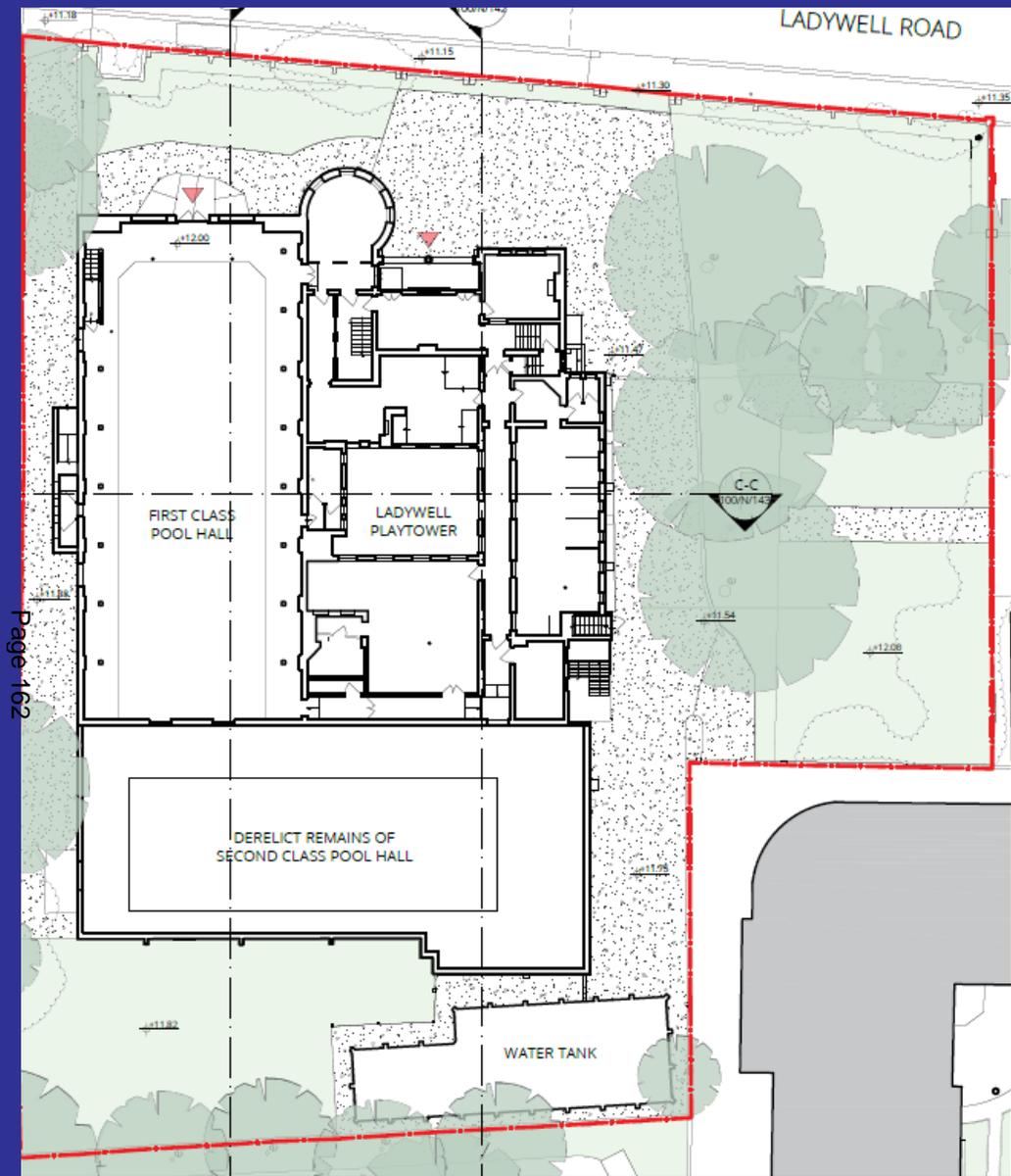




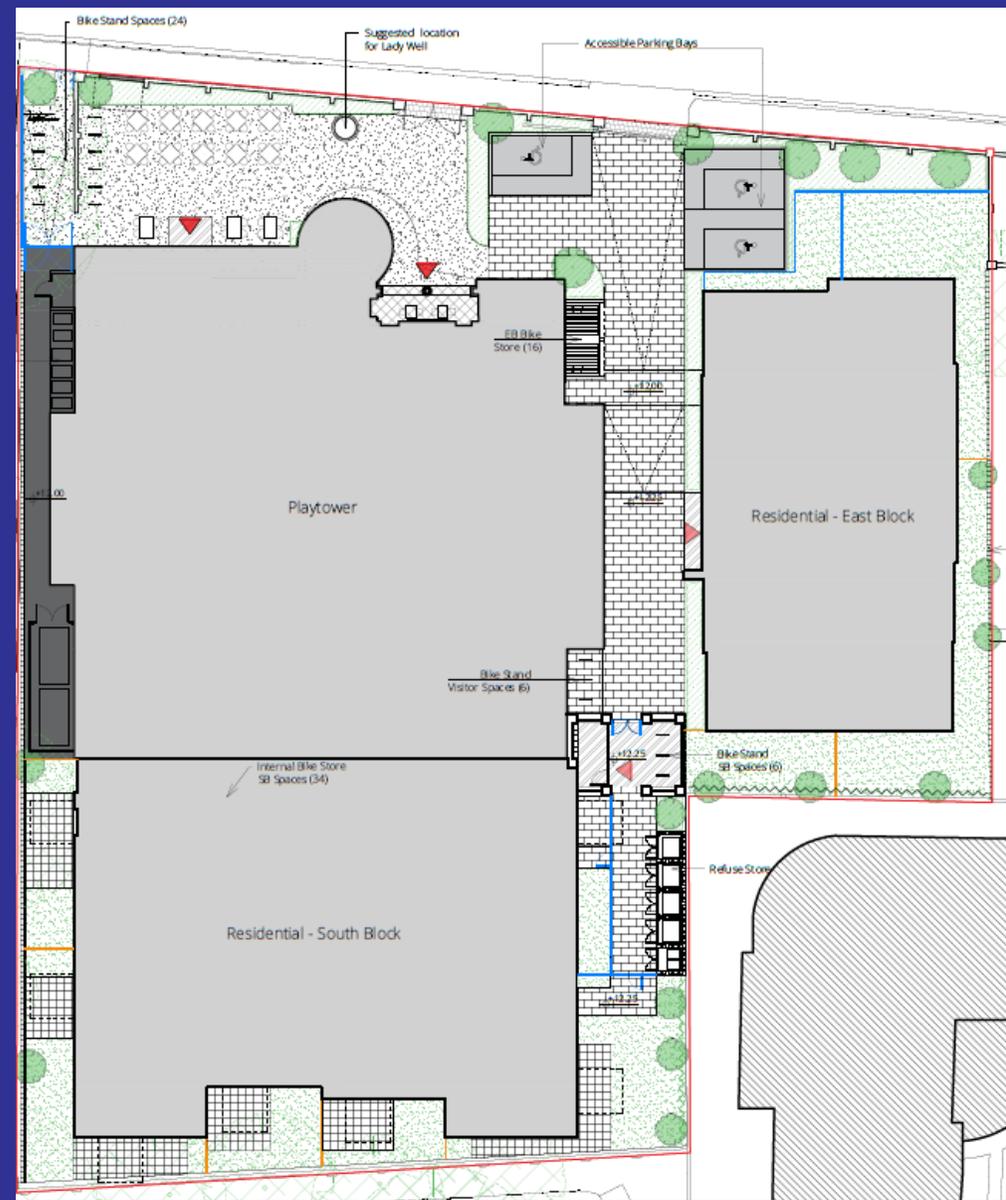


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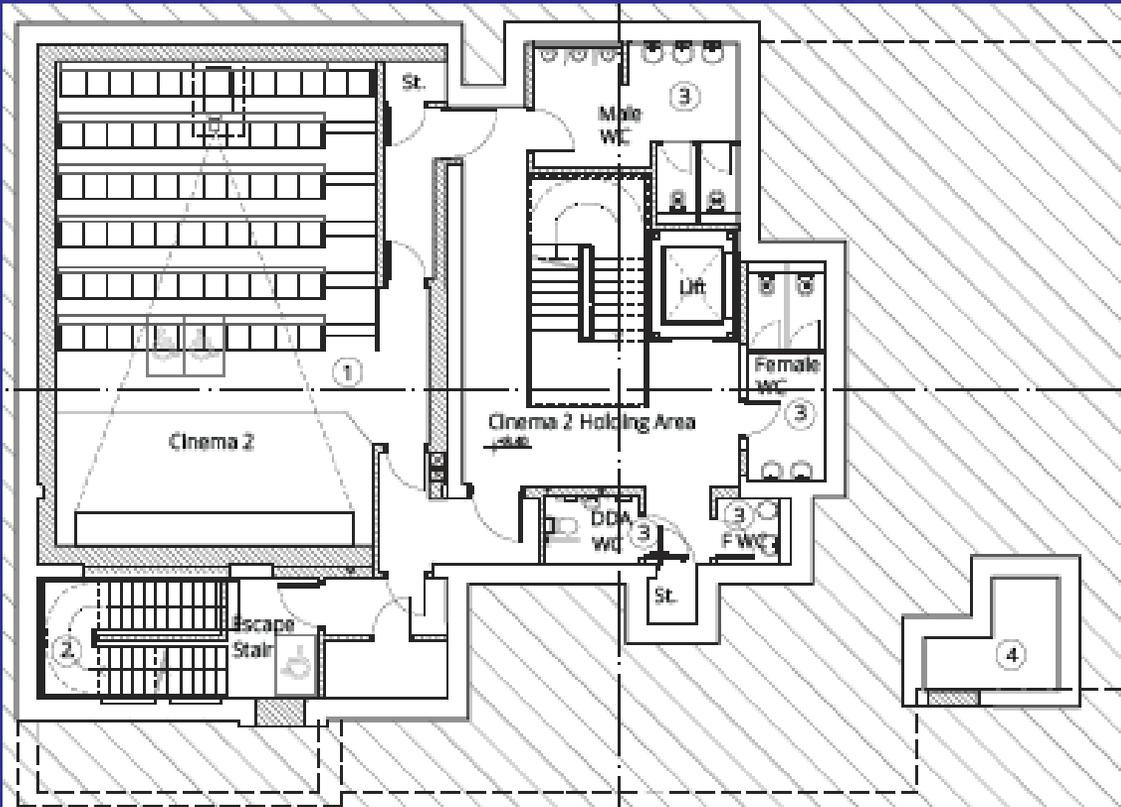


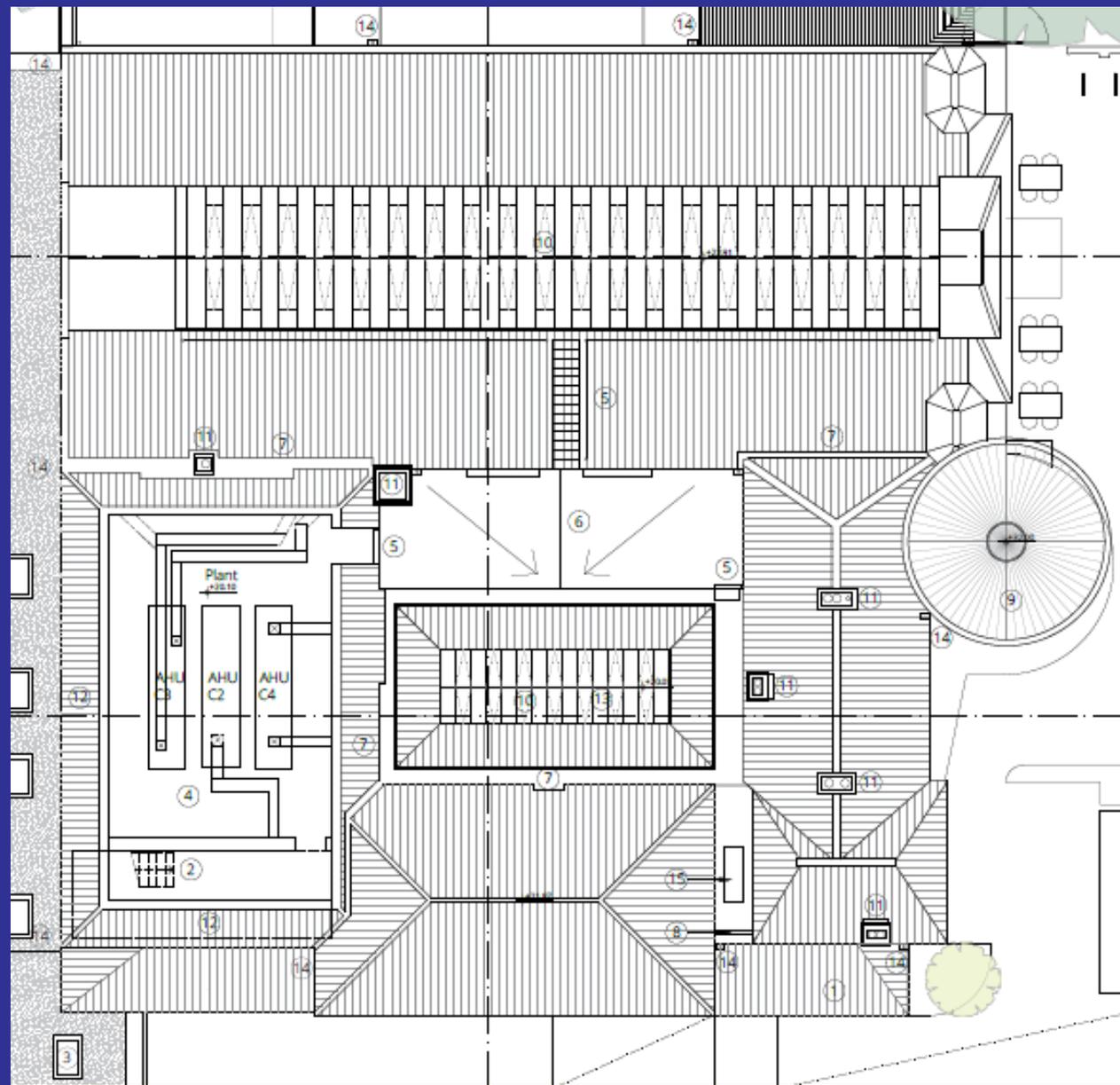
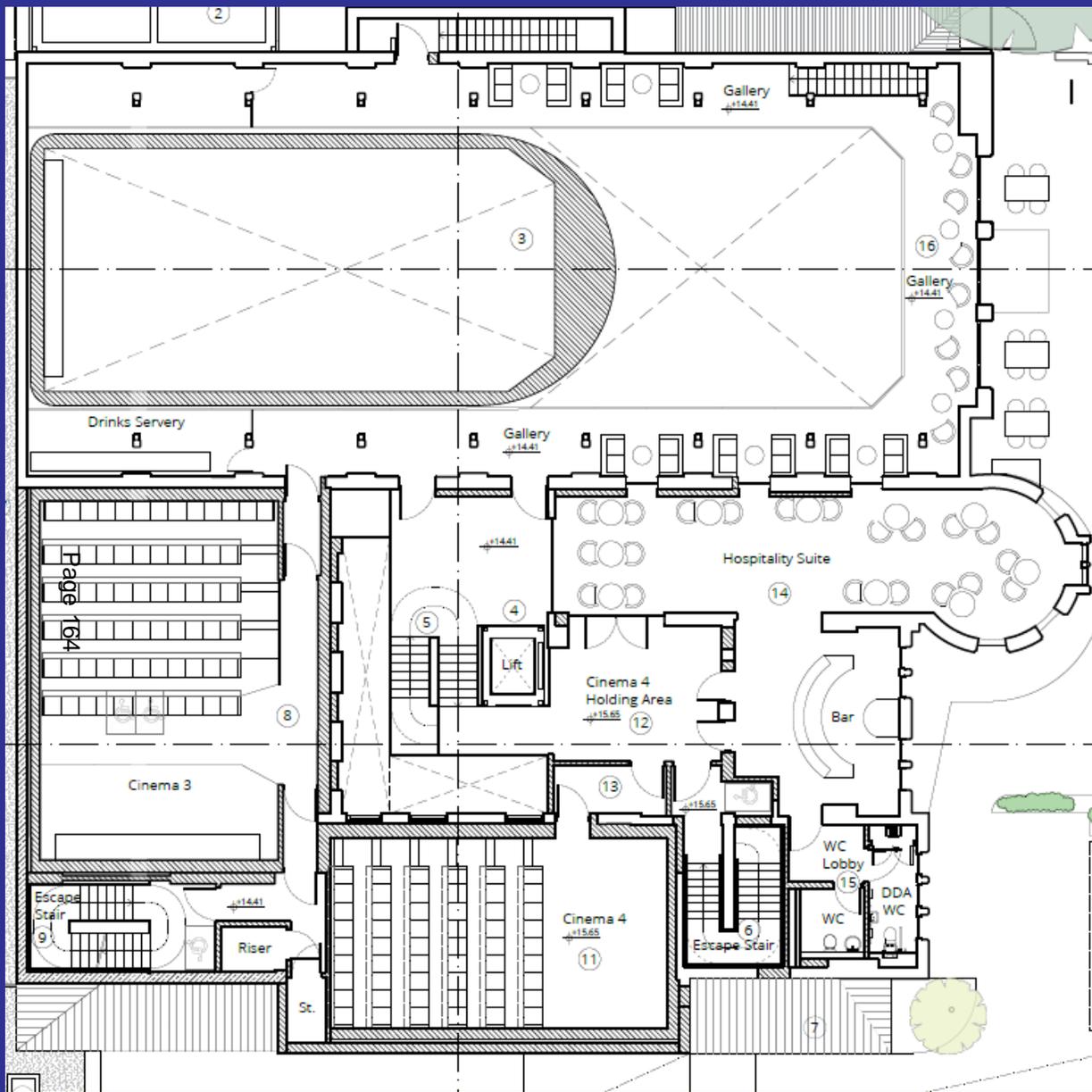


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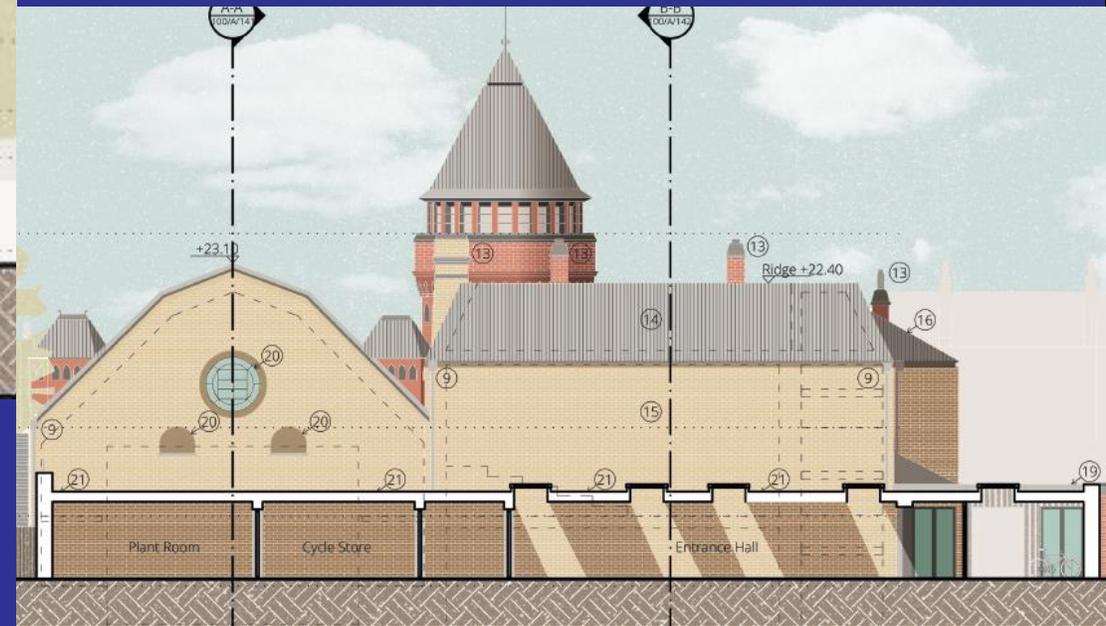
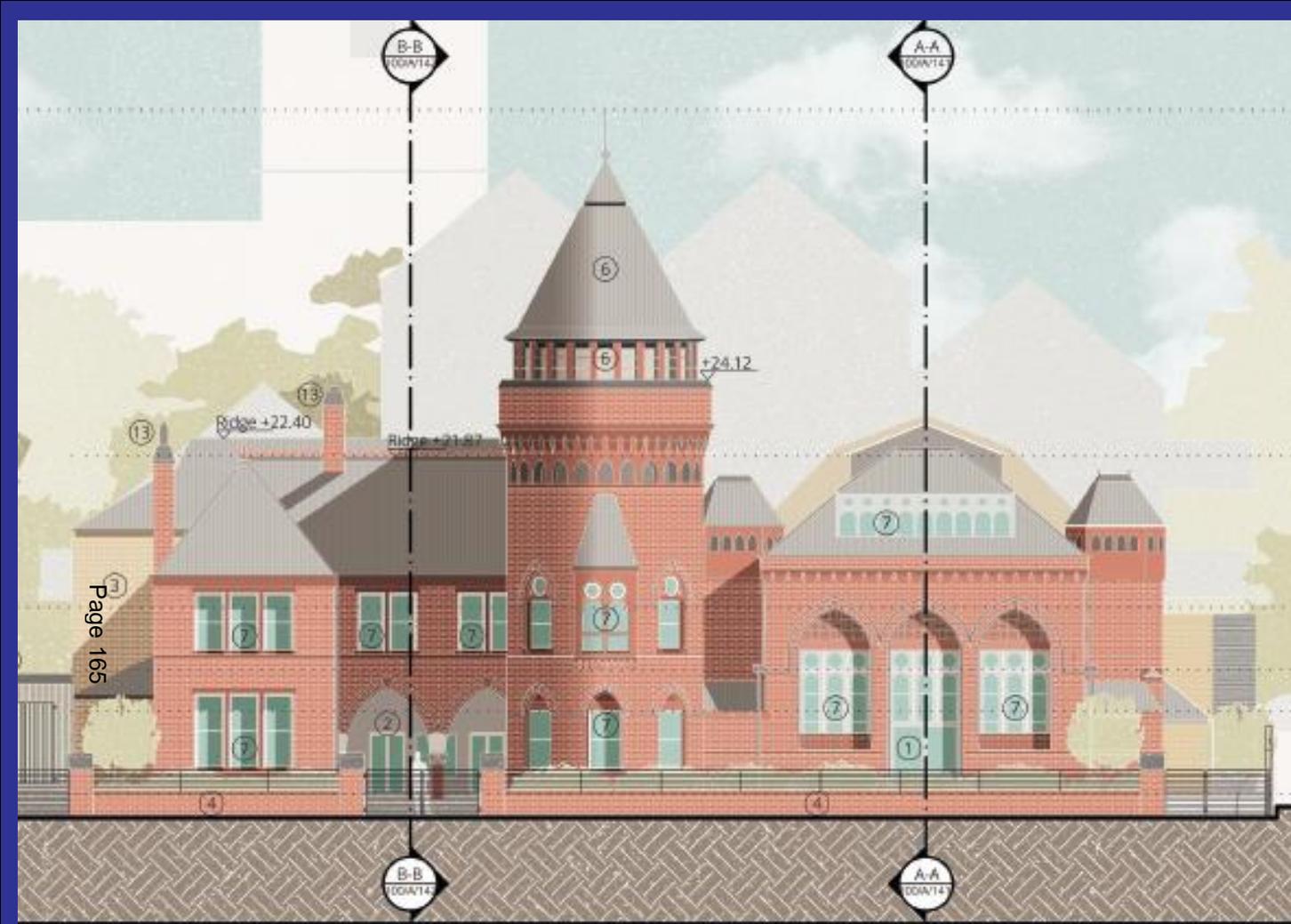


# Existing & Proposed Site Layout





Proposed 1<sup>st</sup> Floors & Roof – Playtower





Proposed East Elevation - Playtower





# Proposed North Elevation – South Block





Ridge Level  
+23.35

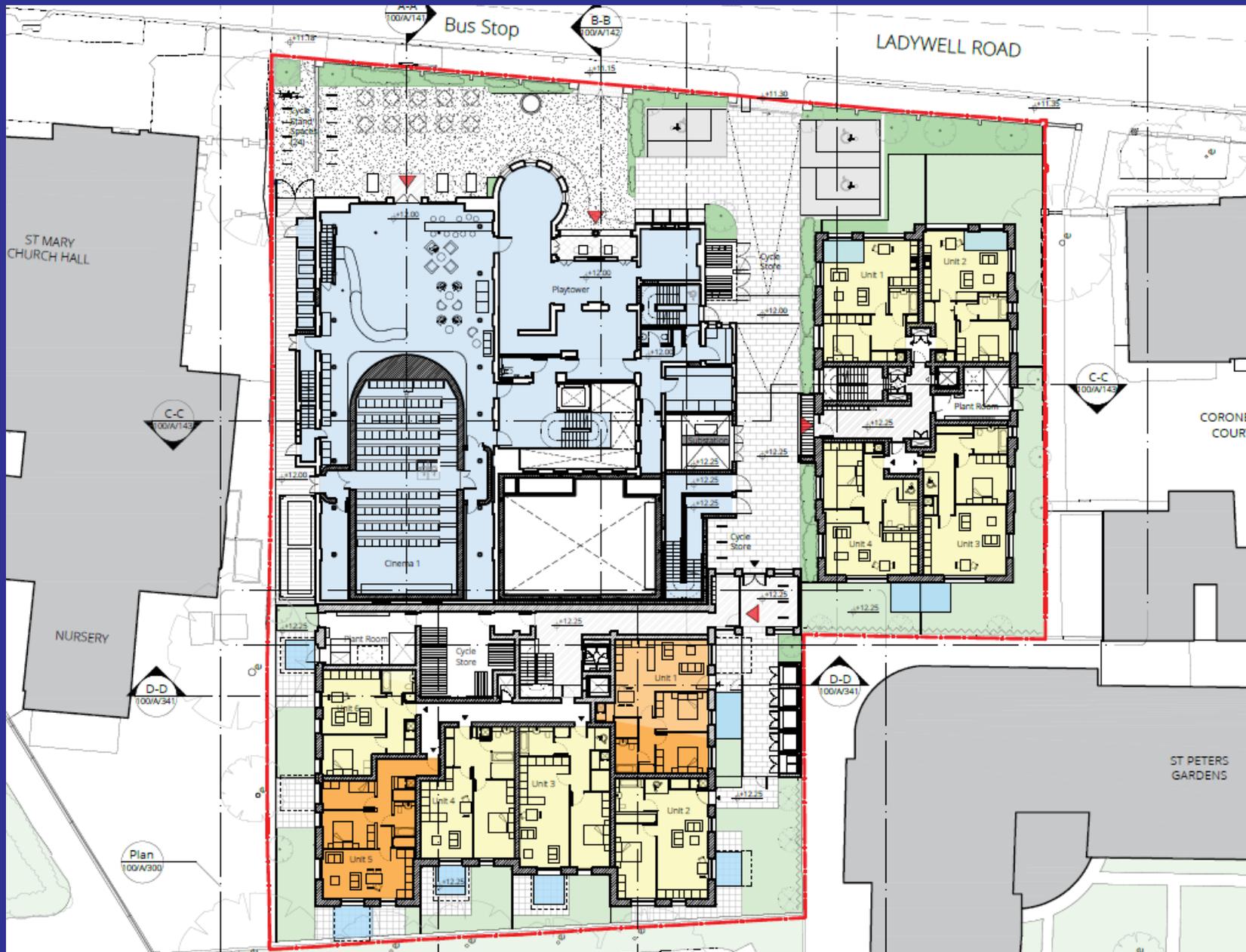






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# Proposed Site Layout

# MAIN PLANNING CONSIDERATIONS

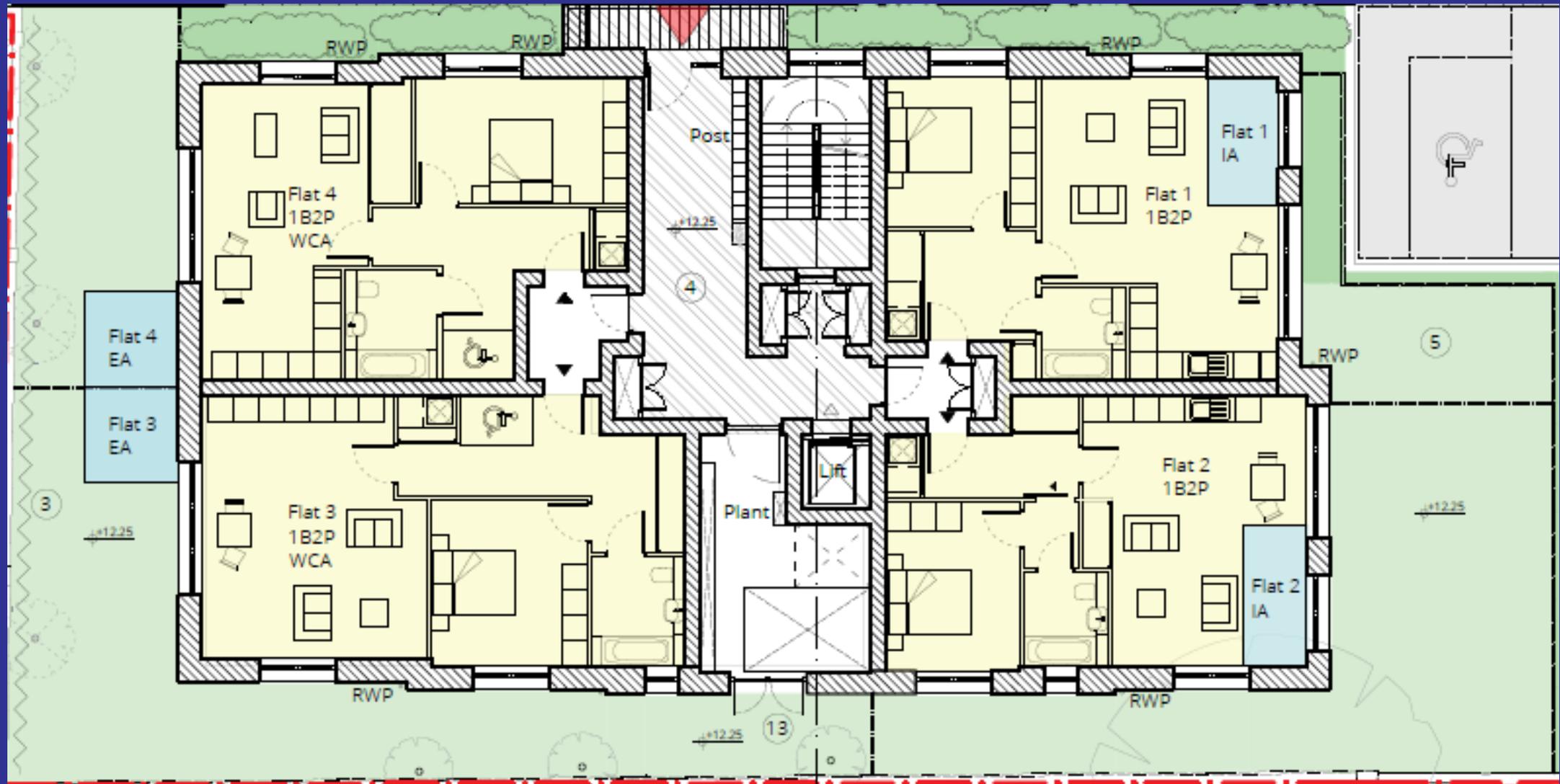
- Principle of Development
- Urban Design & Heritage Impact
- Housing
- Transport Impact
- Living Conditions of Neighbouring Properties
- Sustainable Development
- Natural Environment



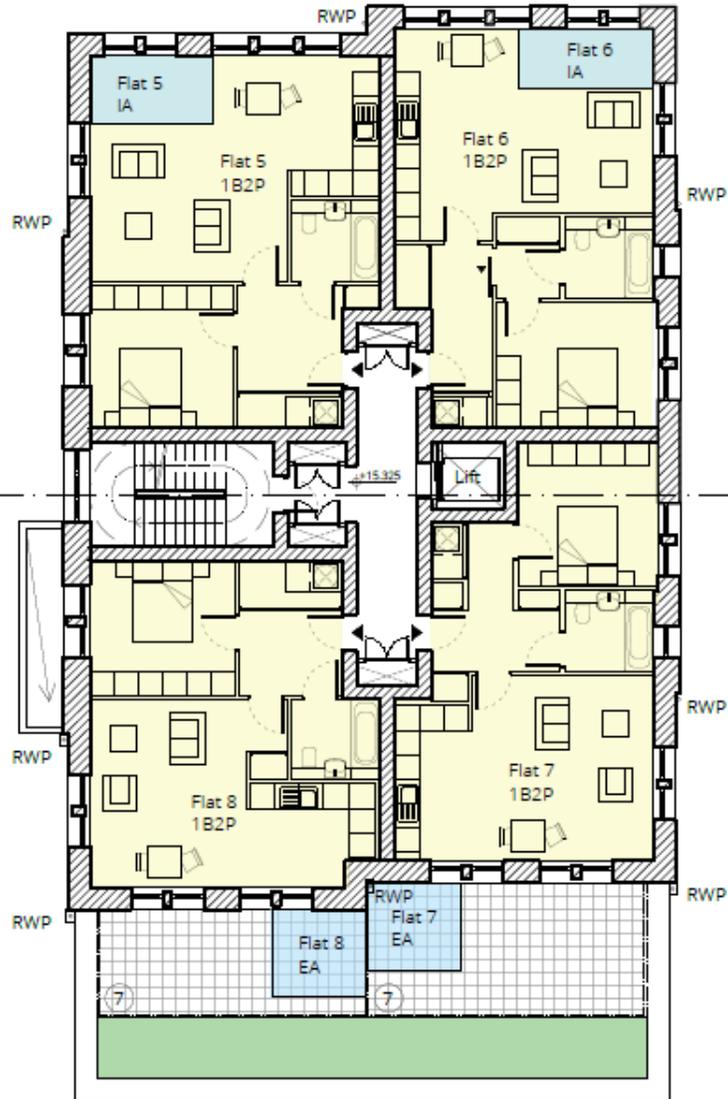
# MAIN PLANNING CONSIDERATIONS

- Principle of Development
- Urban Design & Heritage Impact
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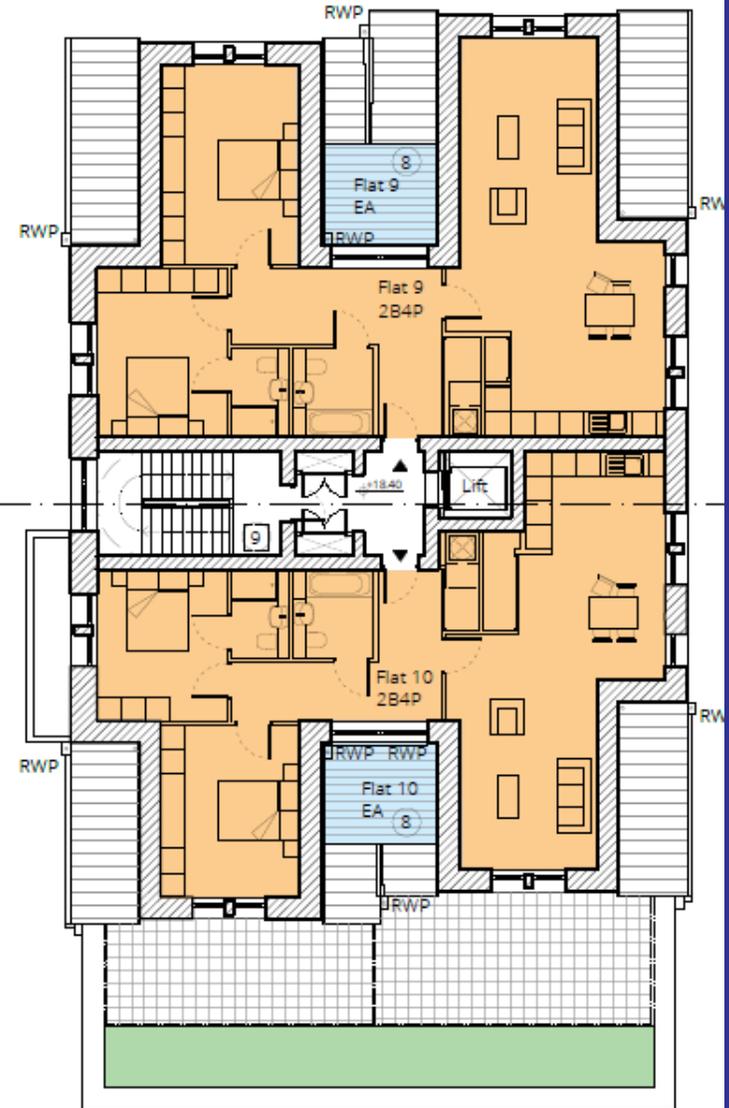
End of Presentation



## Proposed Ground Floor – South Block

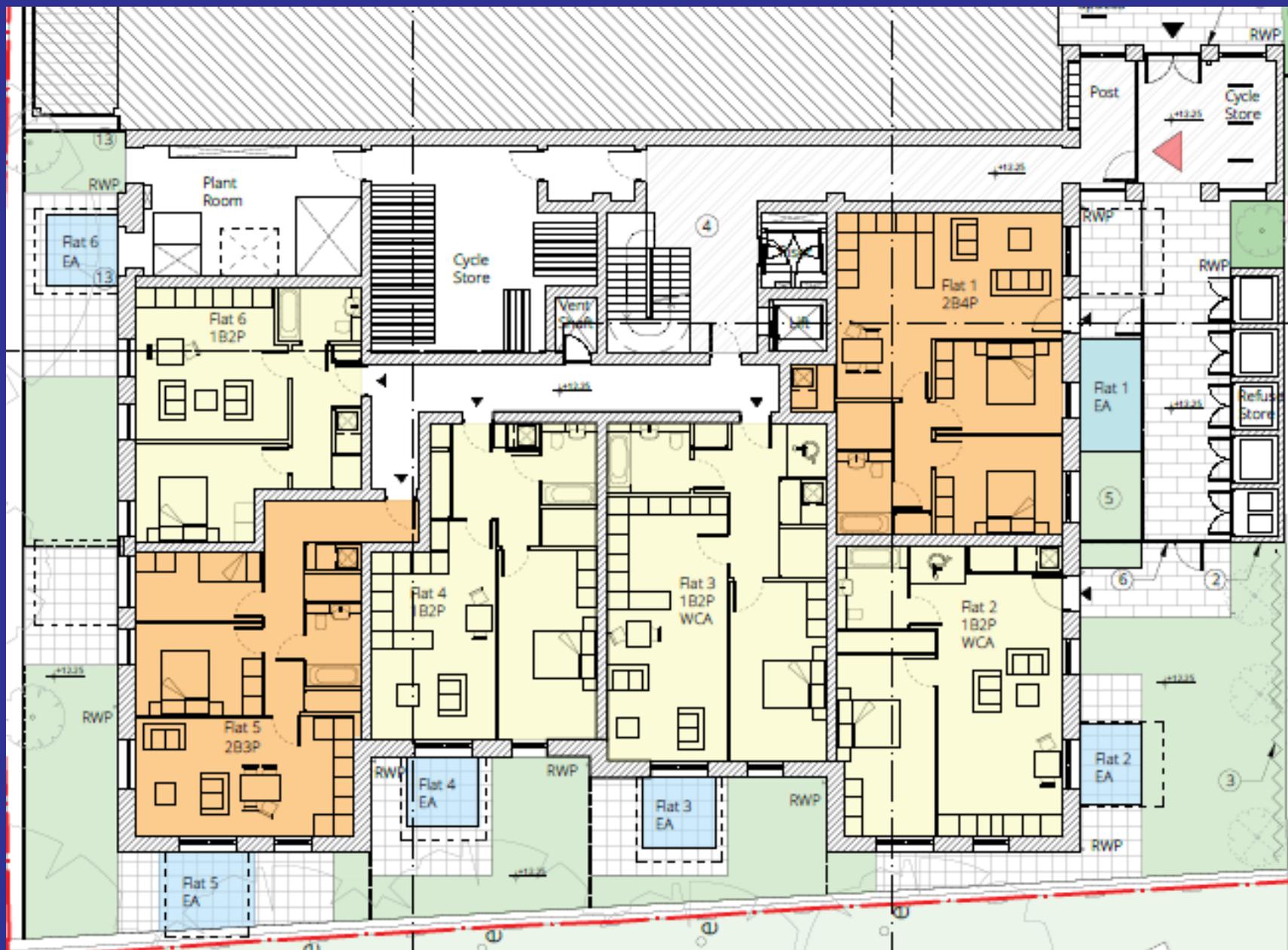


FIRST FLOOR PLAN



SECOND FLOOR PLAN

# Proposed 1<sup>st</sup> & 2<sup>nd</sup> Floor Plans – East Block





## Proposed 1<sup>st</sup> & 2<sup>nd</sup> Floors – South Block



# Proposed 3<sup>rd</sup> & 4<sup>th</sup> Floors – South Block

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