



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

Application reference number(s):	DC/22/126038 – Planning Permission DC/22/125927 – Listed Building Consent
Application Date:	09 March 2022
Applicant:	Guildmore
Proposal:	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.
Background Papers:	(1) Submission Drawings (2) Submission technical reports and supporting documents (3) Internal consultee responses (4) External consultee responses (5) Local meeting minutes
Designation:	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
Screening:	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 22nd 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 21st 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%
TOTAL	35	100%	80	100%

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
Total (sqm)	4.7	47	0

- 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 Investigation (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

Tree	Species	Height (m)	Category	Value (£)
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_{ax} (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.
- 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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