

Committee	PLANNING COMMITTEE C	
Report Title	The White Hart, 184 New Cross Road, London, SE14 5AA	
Ward	Telegraph Hill	
Contributors	Alfie Williams	
Class	PART 1	01 August 2019

Reg. Nos. (A) DC/18/106613 (Planning Permission)  
(B) DC/18/106611 (Listed Building Consent)

Application dated 04.04.2018 [as revised on 12.02.2019]

Applicant Wellington Pub Company

Proposal Planning permission and Listed Building Consent for alterations in connection with the conversion of the upper floors of No 184 New Cross Road, SE14, into 2 one bedroom, self-contained flats, a two bedroomed self-contained flat and a one bedroomed self-contained maisonette with study, together with the reconfiguration and retention of the existing public house at ground and basement level and the provision of two lantern lights to the flat roof at the rear of the existing public house.

Plan Nos 0100-DR-0101 Rev P01; 0100-DR-0102 Rev P01; 0100-DR-0105 Rev P01; 0100-DR-0106 Rev P01; 0100-DR-0107 Rev P01; 0100-DR-0108 Rev P01; 0100-DR-0010 Rev P01; 0100-DR-0011 Rev P01; 0100-DR-0012 Rev P01; 0100-DR-0013 Rev P01; 0100-DR-0014 Rev P01; 0100-DR-0015 Rev P01; 0100-DR-0016 Rev P01; 0100-DR-0017 Rev P01; 0100-DR-0018 Rev P01; 0100-DR-0019 Rev P01; 0100-DR-0020 Rev P01; 0100-DR-0021 Rev P01; Heritage Statement; Design and Access Statement; Planning Statement; Received 5th April 2018

0100-DR-0100 Rev P02; 0100-DR-0103 Rev P02; 0100-DR-0104 Rev P02; 0100-DR-0109 Rev P02; Received 20th June 2018

Noise Impact Assessment (KP Acoustics Ltd, January 2019) Received 12 February 2019

Viability Study (Savills, May 2018) Received 9th April 2019

Background Papers (1) Core Strategy (June 2011)  
(2) Development Management Local Plan (November 2014)  
(3) The London Plan (March 2016)

(4) The Draft London Plan (showing minor suggested changes (July 2018))

Designation

Hatcham Conservation Area  
Hatcham Conservation Area Article 4(2) Direction  
New Cross/New Cross Gate District Centre  
PTAL 6A  
Area of Archaeological Priority

## **1 SUMMARY**

1 This report sets out officer's recommendation in regard to the above proposal. The report has been brought before members for a decision as the Council's Head of Planning considers the matter would be more appropriately dealt with by Planning Committee.

## **2 SITE AND CONTEXT**

### **2.1 SITE DESCRIPTION AND CURRENT USE**

2 The property is an three-storey listed public house, circa 1870, situated on the west side of the triangular shaped traffic 'island' at the junction with New Cross Road (A2) and Queen's Road (A202), almost opposite Pepys Road. It was the site of the original toll gate that gave New Cross Gate its name.

3 The building is in use as a Public House, The White Hart, at ground floor level. Historically the building housed living accommodation on the upper floors. At present, the upper floors are in use, as a Hotel comprised of 11 rooms. The public house operates a late licence (until 3am) on Fridays and Saturdays.

4 The building's freehold is owned by the Wellington Pub Company, but this entity does not operate the public house. Officers understand the existing public house and hotel businesses are operated independently. Officers also understand the pub operator's lease expired in December 2018 although they continue to operate the pub. (Ownership issues are generally not relevant to planning, however the above information is for member's reference given the planning issues related to the retention of the current operation of the public house).

### **2.2 CHARACTER OF AREA**

5 The building is highly prominent and visible within the streetscene and townscape, due to the building's dominant setting on a key corner within the Hatcham Conservation Area. The property and terrace with its high quality architectural features and treatments significantly contribute to the historic character of the local area, and streetscene.

### **2.3 HERITAGE/ARCHAEOLOGY**

6 The building is nationally listed by English Heritage at Grade II (LEN: 1346214) with the following description:

- "Public house. Circa 1870, shown on the 1873 Ordnance Survey Map. Polychrome brickwork with stuccoed dressings, slate roof concealed by parapet and brick chimneystacks. Corner building of three storeys; five windows to New Cross Road

elevation and two to Queens Road, including a tripartite window. Elaborate parapet with curved panel to Queens Road, pedimented panel with brackets to New Cross Road and modillion cornice. Corner full-height pilasters and bands between floors. All windows are sashes with vertical glazing bars and horns. Second floor windows are cambered with keystones and two windows have cast iron flower guards. First floor windows have round-headed arches filled with stuccoed decoration with keystones above, roundels between the windows and cast iron flower guards. Bar front has fascia, end pilasters with double brackets and windows with ventilation grilles above divided by pilasters. Interior retains a bar partition and both bars have original panelled wooden counter.”

- 7 The special architectural interest of The White Hart is primarily derived from the historic and architectural character of its principal street elevations. Taken together, the tiled street frontage, generous windows, substantial fascia and signage and decorative pilasters mean that this building is easily distinguishable as a public house. As well as the detailing of the principal elevations, the scale and decorative roof form of The White Hart help this building to stand out visually in the street scene, thereby reinforcing its role as a landmark within the street and local society.
- 8 The plan form has been significantly altered at both first and second floor levels however, much historic fabric remains at first floor level including historic party walls, room and ceiling decorations, fireplaces and windows. The second floor is less significant due to its more functional appearance and loss of historic fabric.
- 9 The property is also within Hatcham Conservation Area and is subject to an Article 4 Direction restricting certain permitted development rights for dwellinghouses.

## **2.4 LOCAL ENVIRONMENT**

- 10 The building is located within a busy town centre (New Cross/New Cross Gate District Centre) at the junction of the A2 and A202 producing high background noise levels. New Cross Road is designated as an Air Quality Management Area and also falls within an Air Quality Focus Area, where exposure is predicted to be high.

## **2.5 TRANSPORT**

- 11 The site has a PTAL of 6a which is the highest possible and is served by 24 hour transport including several night-bus routes and New Cross Gate Station. The road junction has been substantially remodelled as part of a Transport for London (TfL) highway improvement scheme.

## **3 RELEVANT PLANNING HISTORY**

- 12 DC/18/107982: Listed Building Consent for maintenance work to the front elevation of 184 New Cross Road SE14, consisting of repair of window joinery and replacement of cracked panes of glass, pointing of brickwork areas and general redecoration of stonework and joinery – Granted.
- 13 DC/16/095391: Listed Building Consent for alterations to the front elevation and the bar, the laying of new floorboards, the re-location of a fireplace, the restoration of original internal features including columns, panelling and lime plaster to internal walls, and the retrospective removal of non-original features at ground floor level of 184 New Cross Road, SE14 - Granted.
- 14 EN/15/00322: Unauthorised works to a Grade II Listed Building - Case closed following grant of DC/16/095391.

- 15 DC/04/58029/: Listed Building Consent in respect of internal alterations to the upper floors of the White Hart Public House, 184 New Cross Road SE14, in connection with the change of use to a hotel, including the construction of a stud partition to create an additional bedroom at first floor level, a new doorway, replacement of all doors and the installation of 2 fire places at second floor level -Granted.
- 16 DC/04/58030: The change of use of the upper floors of the White Hart Public House, 184 New Cross Road SE14 to a hotel - Granted.
- 17 DC/03/53350: The retention of the new front door openings at 184 New Cross Road SE14, together with internal alterations to the bar area - Granted.
- 18 DC/01/49623: The alteration and conversion and change of use of the upper floors of the White Hart Public House, 184 New Cross Road SE14 to a hostel incorporating a three bedroom, self-contained manager's flat - Refused as the proposed hostel would provide a poor standard of amenity for residents, in terms of space provision and communal facilities.
- 19 DC/01/49879/: Internal alterations and conversion of the upper floors of the White Hart Public House, 184 New Cross Road SE14 in connection with the use as a hostel incorporating a three bedroom, self-contained manager's flat - Refused as the proposal does not preserve the special architecture or appearance of the Grade II Listed Building.
- 20 DC/99/44091: The alteration of the front elevation of the White Hart P.H 184 New Cross Road SE14 door openings - Granted.]

## **4 CURRENT PLANNING APPLICATION**

### **4.1 THE PROPOSALS**

Planning permission

- 21 Planning permission is sought for the alteration and conversion of the upper floors of the building to provide 3 x one-bedroom/two-person flats and 1 x two-bedroom/three-person flats. The conversion would require a number of external alterations to the building including the repositioning of the residential entrance in the front elevation, the installation of lanterns to the rear flat roof and the installation of timber sash windows in the rear elevation.

Listed Building Consent

- 22 The application for Listed Building Consent would include a number of internal and external alterations to the building. The alterations at first and second floor level are detailed as follows:
- removal of later external alterations to the rear elevation such as ventilation stacks, timber roof terrace, and kitchen extension.
  - reinstatement of traditional windows and fenestration pattern to the rear elevation.
  - removal of later internal fabric and partitions.
  - The moving of the second floor staircase to attic level.
  - Removal of the commercial kitchen.
- 23 The Listed Building Consent would also include alterations at ground floor and basement level to the public house. The alterations include:

- repositioning of the residential entrance on the eastern elevation in place of the existing service entrance, removal of the partition wall and installation of a new double doors.
- reinstatement of fireplace and chimneybreast to the billiards room to be more in line with the historic plan form.
- relocation of the toilets.
- installation of two rooflights to the rear flat roof.
- changes to the layout of the basement in connection with the relocation of the commercial kitchen.

## 5 CONSULTATION

### 5.1 APPLICATION PUBLICITY

- 24 Site notices were displayed on 9 May 2018 and a press notice was published on 9 May 2018.
- 25 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 1 May 2018.
- 26 Objections were received from two local residents and the business operating the pub and hotel. The main planning consideration raised relates to the viability of the public house.
- 27 A second period of publicity was undertaken on 9 April 2019 to allow residents to review a Viability Assessment relating to the public house. This has resulted in the submission of 316 further objections (319 objections in total from both rounds of publicity). The main issues raised relating to the viability of the public house are summarised below

#### 5.1.1 Objections

Material planning consideration	Paragraphs where addressed
Loss of the live music	64-82
Loss of the late licence	64-82
Noise transference & sound insulation	56-63
Relocation of the kitchen	107
Loss of the hotel	84
Asset serving a diverse community	64-82
Impact on local economy and jobs	64-82

- 28 Cllr Dromey objected to the application due to the impact on the viability of the public house due to the loss of the late night operating hours, live music and hotel use, which contribute a significant proportion of income. It also noted that the White Hart is one of the few live music venues in the area. Councillor Dromey also expressed concern regarding the loss of hotel accommodation and the potential loss of 20 jobs and concluded that the proposed residential units were not adequate compensation given the tenure of the units. These issues are addressed below in paragraphs 64-82 and 84.
- 29 Cllr Bell objected to the application due to the impact on the privacy of neighbouring residents. The objection also raised concerns with the level of amenity and privacy

provided for the proposed residential accommodation. These issues are addresses in paragraphs 92-101 and 127-131.

30 Officers are aware of a petition set up on the Change.org website in relation to this proposal opposing the scheme. This petition has not formally been presented to the Council and so no weight can be afforded to it.

## **5.2 LOCAL MEETING**

31 Due to the number of submissions received, a Local Meeting was held on Wednesday 26th June 2019 at Deptford Lounge. The meeting was chaired by Councillor Joan Millbank and attended by 23 people. A record of the Local Meeting is contained in Appendix 1 to this report.

## **5.3 INTERNAL CONSULTATION**

32 The following internal consultees were notified on 1<sup>st</sup> May 2018.

33 Environmental Health: no objections, subject to conditions. It was noted that the sound insulation would only be appropriate for general pub use with potential for some background music and therefore conditions would be required restricting the operating hours to 11pm and preventing live music

34 Conservation: raised no objections, subject to conditions.

35 The Highways Department were notified but did not comment on the application as TfL are the highways authority for New Cross Road.

## **5.4 STATUTORY CONSULTATION**

36 The following Statutory Consultees were notified on 1<sup>st</sup> May 2018

37 Historic England: no objections. They are satisfied that the ground to first floor section of the main staircase has been removed and rebuilt. Therefore, the legibility and authenticity of the staircase as a key component of the pub plan has already been negatively affected, and whilst the removal of the top section is still undesirable and incrementally harmful, it would not warrant an objection to the works

38 TfL: as the relevant roads are TfL roads: no objections.

## **6 POLICY CONTEXT**

### **6.1 LEGISLATION**

39 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).

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

## **6.2 MATERIAL CONSIDERATIONS**

41 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.

42 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.

43 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 the test of reasonableness.

## **6.3 NATIONAL POLICY & GUIDANCE**

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance

## **6.4 DEVELOPMENT PLAN**

44 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Draft London Plan (expected 2019): The Mayor of London published a draft London Plan on 29 November 2017 and minor modifications were published on 13 August. The Examination in Public commenced on 15 January 2019 and concluded on 22 May 2019. During the EiP the Mayor tabled further changes to certain policies. This document now has varied weight as a material consideration when determining planning applications, depending on the degree of conflict exhibited at the EiP. The relevant draft policies are discussed within the report (DLPP), and none were subject to further changes.
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013)

## **6.5 SUPPLEMENTARY PLANNING GUIDANCE**

45 Lewisham SPG/SPD:

- Hatcham Conservation Area Supplementary Planning Document (2006)

46 London Plan SPG/SPD:

- Housing (March 2016)
- Culture & Night Time Economy (November 2017)
- Mayor of London's Culture Strategy (December 2018)

## 7 PLANNING CONSIDERATIONS

47 The main issues are:

- Principle of Development
- Impact of the Grade II Listed Building
- Standard of Accommodation
- Transport Impact
- Impact on Adjoining Properties

### 7.1 PRINCIPLE OF DEVELOPMENT

#### *General policy*

48 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

#### 7.1.1 Retention of the public house use

##### *Policy*

49 There is a clear policy objective at national, regional and local level to protect public houses. This includes protection from development that may harm a public house's ability to operate a viable business.

50 Paras 83 and 92 of the NPPF promotes the retention of public houses, and at para 182 establishes the Agent of Change principle.

51 The current London Plan seeks to protect public houses and noise-generating uses. LPP 4.8 seeks to prevent the loss of public houses. The Culture and Night Time Economy SPG (GLA, 2017) ("the SPG") seeks to protect public houses, amongst other objectives relevant to this application. LPP 7.15 seeks to manage adverse impacts of noise to avoid adding unduly to the costs and administrative burdens on existing businesses. The Mayor of London's Culture Strategy (GLA, 2018) ("the Strategy") highlights the value of public houses as a component of Good Growth.

52 The emerging Draft London Plan follows the NPPF and current London Plan in affording protection to public houses and noise-generating uses. DLPP HC7 seeks to protect public houses where, amongst other things, they have heritage, economic, social or cultural value to local communities.

53 CSP 19 seeks to retain and improve existing community facilities and ensure that there is choice and no net loss of community facilities. DMP 20 seeks to protect public houses from a change of use unless it can be proven that the use is no longer financially viable.

54 The SPG pre-dates the current version of the NPPF and introduced the Agent of Change principle, stating: "Development proposals should seek to manage noise without placing unreasonable restrictions on development. They should also not add unduly to the costs and administrative burdens of existing businesses. Acoustic and other design measures should be used to mitigate noise and other impacts. There should be no prospect of unreasonable neighbour complaints, licensing restrictions or threat of closure."

55 DLPP D12 seeks to ensure new noise-sensitive development takes responsibility for mitigating the impact from existing noise and other nuisance generating activities to

ensure they remain viable and can continue or grow without unreasonable restrictions being placed on them.

### *Discussion*

- 56 The proposal includes the retention of a public house use at basement and ground floor levels, as well as the conversion of the first and second floors to provide residential accommodation. The accommodation provided at this site had previously been used as a hotel and historically would have been occupied by persons associated with the pub use.
- 57 The introduction of private residents separate to the pub use creates the potential for conflict between the right of residents to the quiet enjoyment of their homes and the operation of the pub. The 'Agent of Change' principle within the NPPF at Paragraph 182, the SPG and the draft London Plan advises that the party responsible for any change in the noise environment is responsible for managing the impact of the change.
- 58 The applicant has submitted a Noise Impact Assessment (NIA), which outlines the impact of the pub use to the floors above. The NIA makes the following recommendations:
- Installation of sound insulation beneath the floor boards between the first floor and ground floor, to enable the retention of the existing floorboards.
  - The installation of secondary glazing to be installed a minimum of 80mm away from the existing windows to achieve a maximum internal noise level of 45dB(A).
- 59 The NIA shows that from 6pm to 11pm, where live music has been measured, the levels over this period are such that the music will be well over 10dBA above background within the habitable rooms above. This level would amount to a nuisance.
- 60 Therefore, the Environmental Health Officer advises conditions would be necessary to prevent amplified or live music within the pub, to protect the amenity of the proposed residential accommodation above. While it would be necessary, Officers conclude such a condition would be unreasonable and therefore fail to meet the Six Tests. The pub would not be able to play any amplified or live music while the upper floors were in separate residential use. This would likely be for the lifetime of the building. Such a constraint would prevent alternative pub models from emerging in response to changing economic and cultural conditions to remain viable or to meet demand for live music and other events involving music or amplified sound. This would unreasonably restrict the operational flexibility of the pub, contrary to Agent of Change policies in general and DLPP HC7(C) in particular.
- 61 The proposed sound insulation is only appropriate for a general pub use without live music and would not be sufficient to mitigate this nuisance. More substantial sound insulation cannot be installed due the restrictions imposed by the building's Grade II Listing. Research on internal noise levels within the pub after 11pm demonstrates that there is potential for noise generation of up to 88 dB LAeq. The NIA indicates that the level of sound insulation proposed would result in noise levels within the habitable rooms on the first floor of 10dB higher than the BS8233 for avoidance of sleep disturbance of 30dB LAeq. Therefore, a condition would also be necessary to limit the operating hours of the existing pub to 11pm.
- 62 The NIA was reviewed by the Council's Environmental Health Officer, who confirmed the noise attenuation would only be sufficient if the pub no longer has live or amplified music and closes at 11pm. If the planning application were to be approved, conditions would have been recommended to secure these measures and restrictions. The applicant and

freeholder of the building has confirmed they would accept conditions as described above, however this agreement does not preclude the need to meet the Six Tests.

63 It is the impact of the conditions that is critical to the planning assessment in this case. According to the submissions from the operator, the existing pub relies to a large extent on the late night live music element of the use to remain viable and in continued operation. The public house would be retained however only in a significantly changed state, with the existing model ceasing and a new model replacing it. While this alteration complies with some aspects of the policy framework, it would be contrary to the Agent of Change Principle, as the operation of the public house would be subject to unreasonable restrictions as to the established noise generating use. This conclusion informs the assessment of the principle of development in the section below.

### **7.1.2 Loss of live music venue and impact on night time economy and culture**

#### *Policy*

64 National, regional and local policy objectives are to support the night time economy and arts, culture and entertainment venues and facilities.

65 The NPPF at para 8(b) states the social objective of planning is to support a community's health, social and cultural well-being. Para 92 says policies and decisions should provide the social, recreational and cultural facilities and services the community needs. Para 182 encourages integration of new development with existing businesses and community facilities and seeks to avoid unreasonable restrictions because of subsequent development.

66 The current London Plan, supported by the SPG, contains several relevant policies. LPP 3.1 protects facilities and services that meet the needs of particular groups and communities. LPP4.6 supports and seeks to enhance arts, culture and entertainment. LPP4.8 encourages boroughs to manage clusters of uses that can contribute to an area's sense of place or local identity. LPP7.1 says development should maximise the opportunity for community diversity. The SPG states planning policies and decisions should protect valued social, recreational and cultural facilities and services.

67 The emerging draft London Plan builds on the NPPF and current London Plan and SPG with several policies that expand on the current adopted policy situation. DLPP GG1 *Building Strong and Inclusive Communities* promotes the role town centres have in the social, civic, cultural and economic lives of Londoners, and plan for places that provide important opportunities for building relationships during the daytime, evening and night time; and supports and promotes the creation of an inclusive London, where all Londoners...can share in its prosperity, culture and community.

68 DLPP HC5 *Supporting London's Culture and Creative Industries* protects existing cultural venues, facilities and uses (especially in town centres and places with good transport connectivity); and seeks to enhance existing, locally-distinct clusters of cultural facilities, venues and related uses. Para 7.5.3 of the supporting text specifically references the loss of "essential spaces and venues for cultural production and consumption, including pubs, night-clubs and venues that host live or electronic music and rehearsal facilities. Boroughs are encouraged to develop an understanding of the existing cultural offer in their areas and evaluate what is unique or important to residents, workers and visitors." Existing cultural venues should be supported. The Mayor of London has identified New Cross and Deptford as a Creative Enterprise Zone (CEZ); accordingly, (C)(2) supports existing cultural venues in CEZs.

69 DLPP HC6 Supporting the night-time economy recognises the night-time economy as being increasingly important to London's economy and emphasises the importance of promoting London as a 24-hour city. It states boroughs should (B)(1) promote the night –

time economy in places such as this with access via Night Buses; (B)(6) protect and support evening and night-time cultural venues such as pubs, night-clubs, theatres, cinemas, music and other arts venues. It is also clear that boroughs should be alive to the potential impacts of the night-time economy in terms of anti-social behaviour and other harms.

- 70 HC6 sets out different areas of night-time activity function at different scales that have different catchments. The policy classifies three distinct categories, N1 Areas of international or national significance, N2 Areas of regional or sub-regional significance and N3 Areas with more than local significance. Figure 7.7 of the draft London Plan identifies New Cross District Centre as an NT3 Area. NT3 Areas generally draw visitors from other parts of London and tend to feature smaller venues and premises. Promoting and managing the night-time economy within New Cross is therefore an important consideration for development effecting public houses and other contributors to the night-time economy within the New Cross District Centre.
- 71 DLPP HC7(A) seeks to protect pubs where they have a heritage, economic, social or cultural value to local communities. The evidence from residents is that the White Hart currently has significant economic, social and cultural value to a diverse clientele that is representative of diverse local communities. Part (B) encourages boroughs to refuse schemes where public houses with heritage, cultural, economic or social value would be lost, unless there is authoritative marketing evidence that the building would not be used as a pub in the future.
- 72 To help support HC7 the Mayor of London has appointed a Night Czar and established a Night Time Borough Champions Network, which includes Lewisham Council. The purpose of the Night Time Borough Champions Network is to share good practice on the development and management of the evening and night time economy, support the development of new night time initiatives and support the development of local visions for the night time economy.
- 73 CSP19 and DMP43 protect existing art, culture and entertainment uses.

#### *Discussion*

- 74 The subject pub meets the criteria for a live music venue: the pub offers music as an accompanying activity to the core business purpose and the music programme is a key component of the existing pub model. Representatives to the publicity and attendees of the local meeting have given evidence that this is a unique arts, culture and entertainment venue that caters to a diverse clientele and audience. Officers have given this very significant weight. For the purposes of this report, the 'existing pub model' refers to this unique combination of pub and live music venue, catering for diverse clientele.
- 75 In the event permission were granted, a 'new pub model' would emerge and would be subject to significant restrictions and the existing pub model would cease (as the noise mitigation is not able to protect future residential amenity given the listed status of the building).
- 76 There is a clear policy objective in the London Plan, the SPG, the Strategy, the emerging London Plan, the Core Strategy and the Development Management Local Plan to protect venues that contribute to the economic, social and cultural lives of Londoners, and to support the night-time economy. Live music venues have been under particular threat in recent years (as evidenced in the SPG). The importance of the diversity of such venues is also established in the Development Plan.
- 77 The applicant has provided a Viability Assessment to demonstrate the proposed development would not have an adverse impact on the future viability of the pub use. The report also provides evidence of other inner London pubs within the ownership of

the applicant that operate similarly to the proposed public house. These include The Bear in Camberwell, The Crown on Blackfriars Road, Camel and Artichoke in Lambeth and the Three Johns in Islington.

78 It is clear the existing pub, by virtue of its unique intrinsic character resulting from the current tenant's pub model, has economic, social and cultural value. This would be lost if permission were granted. The new pub model would be of a different character that would not make a similarly valuable contribution to the economic, social and cultural lives of local residents. This would diminish the diversity of arts, culture and entertainment available in the area. It also has the potential to exclude certain groups from accessing arts, culture and entertainment locally.

79 There is no evidence that the current pub operates in an unviable way or that the current operation creates problems for the owner or local community. In the absence of these harms, Officers do not reduce the weight given in para 74. This view is supported by the Agent of Change principle established in the NPPF, the SPG and in DLPP D12.

#### *Summary*

80 The applicant has demonstrated a new conventional pub model could be viable without a late night component, while the current tenant contends the existing pub model would become unviable if planning permission were to be granted.

81 Officers consider the key material planning consideration in this instance is the loss of the current public house, which is of a unique and intrinsic character. The provision of a new conventional pub in the same building, even if viable, would lack the character of the public house operating as it is (with a music venue and late night operation which serves a community function). The current functioning accords with the objectives of the development plan. The loss of the existing public house is harmful and contrary to adopted policy, even if a viable replacement public house operating in the same building is viable and feasible. A new conventional pub arrangement would not outweigh the loss of the existing public house.

82 On balance, the proposal is unacceptable in terms of the loss of a public house with a unique and intrinsic character, including live music provision and a late night venue. The loss would have consequential and harmful impacts on diversity of venues, inclusivity and harm to the wider late night economy. Officers give this matter very significant weight.

### **7.1.3 Principle of residential units**

#### *Policy*

83 The Core Strategy recognises the Borough's need for housing and outlines the objectives to achieve 18,165 new dwellings between 2009/2010 and 2025. The London Plan outlines through Policy 3.3, 3.5 and 3.8 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported, which are of the highest quality and of varying sizes and tenures in accordance with the Local Development Framework. Lewisham Core Strategy Spatial Policy 1 'Lewisham Spatial Strategy' that links to Core Strategy Objective 2 'Housing Provision and Distribution' supports the delivery new housing to meet local need.

#### *Discussion*

84 The existing hotel use does not benefit from any policy protection. As such, the principle of the provision of residential accommodation is acceptable, subject to details securing a good standard of accommodation. The proposal would contribute four homes,

comprising three no. one-bedroom and one no. two-bedroomed self-contained flat in a sustainable urban location. This is a limited contribution to Lewisham's housing targets.

### *Summary*

85 The provision of new residential units is considered a planning merit to which moderate weight is attached, however there are difficulties in reconciling the use of the ground floor as a public house and the upper floors as residential in a listed building, which are discussed in more detail below.

#### **7.1.4 Principle of development conclusions**

86 The inability to provide a pub that operates the existing pub model is, on balance, unacceptable. It would result in material harm in terms of the loss of the live music and late night venue which caters for a diverse clientele, and the consequential harmful impacts on diversity of venues, inclusivity and Good Growth and harm to the wider late night economy. Officers give this very significant weight.

#### **7.2 Standard of Residential Accommodation**

87 NPPF para 127 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 3.5, 7.15), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

88 The main components of residential quality are: (i) space standards; (ii) outlook, privacy, daylight and sunlight; and of particular relevance (iii) noise and disturbance. In this location air quality is also relevant.

#### ***Internal and external space standards***

89 The proposed units would be appropriately sized when assessed against the London Plan and Development Management Local Plan standards, including meeting the bedroom, living, and storage space requirements of the London Plan Housing SPG and National Technical Standards. Floor to ceiling heights are significantly in excess of the required 2.3m (as measured from the plans provided with the application).

90 In addition, DM Policy 32 requires all new dwellings to be provided with a readily accessible, secure, private and usable external space and include space suitable for children's play. The London Housing SPG makes provision for the size of the units to be increased to mitigate lack of amenity space in exceptional circumstances. Officers consider the difficulties in providing space in a listed building in a town centre location to be exceptional circumstances, and therefore an alternative approach is acceptable here. All of the proposed flats would be oversized and as such, the provision of undersized amenity space for Flat 4 and no external amenity space for Flats 1, 2 and 3 is considered acceptable.

#### ***Outlook, Privacy, Daylight and Sunlight***

91 The proposed units would be provided with dual aspect as a minimum, by way of windows facing east and west in the case of Flats 1 and 3, and windows facing south, east and west in the case of Flats 2 and 4. This would enable an acceptable amount of daylight and sunlight into habitable rooms and would provide a good level of outlook.

#### ***Noise and Disturbance***

- 92 The NPPF at para 170 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 noise pollution. Development should help to improve local environmental conditions. Para 180 states 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.
- 93 The 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 and in doing so consider:
- whether or not a significant adverse effect is occurring or likely to occur;
  - whether or not an adverse effect is occurring or likely to occur; and
  - whether or not a good standard of amenity can be achieved
- 94 Significant observed adverse effect level: This is the level of noise exposure above which significant adverse effects on health and quality of life occur.
- 95 Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected.
- 96 No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected
- 97 If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. Such decisions must be made taking account of the economic and social benefit of the activity causing the noise, but it is undesirable for such exposure to be caused. The objectives of the NPPF and NPPG are reflected in LPP 7.15, DLPP D1,D12 and D13, CS Objective 5 and DMP 26
- 98 Noise can constitute a statutory nuisance and is subject to the provisions of the Environmental Protection Act 1990 and other relevant law.
- 99 As discussed above, the development could only achieve a satisfactory standard of accommodation for future residents subject to conditions to ensure the proposed noise attenuation measures are installed correctly and conditions to restrict the hours of operation of the pub and prevent amplified or live music. Without these conditions, the noise and vibration impact would be a significant observed adverse effect level and therefore unacceptable.
- 100 Imposing a condition to prevent amplified or live music would not be reasonable, taking account of the economic and social benefit of the operation of the existing pub model, expressed in detail in section 7.1 above.
- 101 Turning to noise break in from the road, the provision of secondary glazing would be sufficient to prevent unacceptable noise break in from New Cross Road.

### ***Air Quality***

- 102 London Plan policy 7.14 is relevant. The Grade II listing would prevent the provision of mechanical ventilation and air filtration for when the front windows are closed. Officers consider that this would be acceptable in this case given that the flats are dual aspect, with the windows in the rear providing adequate ventilation and relief from the main road.

### **7.2.1 Standard of accommodation conclusion**

103 The proposal does not meet relevant policies in terms of noise and vibration, resulting in material harm to the living conditions of future residents in terms of noise and vibration. This harm cannot be mitigated as any condition to prevent amplified or live music would be unreasonable taking account of the economic and social benefits of the noise-generating use; this is a planning harm to which significant weight is given and, balanced against the proposal's other planning harms and merits, is considered a reason for refusal.

## **7.3 LISTED BUILDING CONSENT AND THE IMPACT ON HERITAGE ASSETS**

### *General Policy*

104 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives Local Planning Authorities 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.

105 Paragraph 195 of the NPPF 2019 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

106 DM Policy 36 states that consent will only be granted for alterations and extensions to Listed Buildings which relate sensitively to the building's significance and sustain and enhance its significance and integrity.

### **7.3.1 Public house (ground floor and basement)**

107 The proposed works to the basement would retain much of the historic fabric including the stone and brick floors, the historic public facilities under the pavement of New Cross Road, the stone kitchen fireplace, and stone storage shelves. The changes to the basement do not raise any significant concerns and overall do not create harm to the understanding, significance or interest of the building.

108 The installation of two rooflights to the rear areas of the pub would not usually be acceptable within historic spaces due to the intervention with historic fabric, and the effect to the character of the listed building. However, there is evidence of a historic roof lantern to the billiards room, and the flat roof of the ground floor is not visible from any public viewpoints.

109 The relocation of the residential entrance would provide a more rational layout to the ground floor and provide a clearly legible residential entrance separate to the entrances to the public house.

110 The removal of later unsympathetic additions and fabric is considered a benefit to the character of the building. This would include the removal of the uncharacteristic entrance hall wall, which separates the pub from the entrance hallway to the upper floors. The wall causes harm to the historic plan form, and cuts through the ceiling decoration and as such is removal is welcomed. The works proposed to reinstate the fire surround to the entrance lobby, the fireplace and chimneybreast to the billiards room, and the relocation of the toilets would better reflect the historic plan form of the ground floor.

111 The changes to the ground floor make significant improvements to the significance and understanding of the historic pub. The proposals rationalise the space well, and

reintroduce lost historic features. Had the recommendation been to approve, conditions would have been required to secure the refurbishment works to the ground floor prior to the occupation of the flats in order to secure the beneficial impacts to the listed building.

### **7.3.2 First & second floors**

- 112 The proposed removal of later harmful fabric externally such as large unsightly ventilation stacks, timber roof terrace, and kitchen extension would result in significant improvement to the cluttered rear elevation. The reinstatement of traditional windows and fenestration pattern to the rear elevation would also result in a significant improvement to the historic character of the building. Had the recommendation been to approve, conditions would have been required to secure the design and appearance of the new windows and the new duct.
- 113 Conversion from hotel use to flats would return the upper floors of the building to its residential use, which is thought to be the original use of the upper floors, improving the legibility and understanding of the building. These works would remove harmful additional fabric and dividing walls, which in some cases have completely altered historic fabric of interest such as ceiling roses, window decorations, cornicing, embossed ceilings and skirting.
- 114 The proposed alterations also remove harmful alterations to the historic layout. Although it is not proposed to replicate the historic plan form at first and second floor levels, the proposed alterations allow for better appreciation of the historic layout by opening the spaces up and removing partitions, which divide the space and cut up the historic fabric. The new partitions are proposed in more suitable locations and feature shadow-gaps so they are discernible from the historic walls. The alterations would create a more historically appropriate plan form, helping to reveal and enhance the significance of these floors.
- 115 The majority of the remaining historic fabric, such as historic cupboards, doors and door architraves will be retained. The historic windows will also be retained with internal secondary glazing installed. Had the recommendation been to approve, conditions would have been required to secure details of the secondary glazing.
- 116 The original second floor staircase is proposed to be retained and reused in a more convenient location for the use of the building as residential flats, while still providing access to the attic. Staircases, when original, are crucial in helping to understand the use, hierarchy and plan form of historic buildings. As such, the moving of the staircase is considered to cause harm to the significance of the building. However, the number of beneficial alterations that are proposed to the more significant ground and first floors and exterior of the building would enhance the overall significance of the listed building. Therefore, the partial loss of the staircase on the second floor is considered acceptable.

### **7.3.3 Impact on the Hatcham Conservation Area**

- 117 The proposed works principally comprise internal alterations with external alterations limited to the rear elevations which would not be apparent from public viewpoints within the conservation area. However, the repositioning of the residential entrance in the front elevation would see the installation of a new double-leaf door in the location of the original door opening and removal of the existing poor quality door. Officers consider that the new entrance to be beneficial to the appearance of the property thus preserving the character of the Hatcham Conservation Area,

### **7.3.4 Impact on heritage assets conclusion**

- 118 Therefore, it is considered that the proposals to alter the listed structure and facilitate the historic use as residential, as well as the improvements provided in terms of the historic

understanding of the plan form, would enhance the significance of the building. The proposal is therefore compliant with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 of the NPPF and DM Policy 36. This is a planning merit to which significant weight is attached.

## **7.4 TRANSPORT IMPACT**

### **7.4.1 Servicing and refuse**

119 The pub would retain the previous servicing arrangement from New Cross Road. This arrangement is acceptable.

120 The residential units would be provided with refuse and recycling storage within the flats, with bags to be brought down on collection days. This would be consistent with the Council's policy on the collection of refuse from flats above commercial uses and is therefore acceptable. However, the proposed layouts do not include details of refuse storage and therefore had the recommendation been to grant, a condition would have been recommended to secure these.

121 The refuse for the pub would be stored within the basement and taken out by staff on collection days. This arrangement is acceptable.

### **7.4.2 Cycle Parking**

122 The London Plan cycle parking minimum standards requires one cycle space per one bedroom dwelling and two spaces for all other dwellings. The proposed development would therefore require five cycle parking spaces. Further to the London Plan requirements, Transport for London's (TfL's) '*London Cycling Design Standards*' sets out that cycle parking should be fit-for-purpose, secure, dry and well-located.

123 The scheme is unable to provide appropriate cycle storage. This is due to the site constraints imposed by the use of the ground floor as a public house and the desirability of restoring historic features to the lobby (including a fireplace and chimneybreast). This significant benefit to the historic character of the listed building outweighs the harm by failing to comply with cycle storage requirements.

### **7.4.3 Car Parking**

124 Core Strategy Policy 14 states that the Council will take a restrained approach to parking provision. London Plan Policy 6.13 seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use and through the use of well-considered travel, plans aim to reduce reliance on private means of transport. Table 6.2 Car parking standards in the London Plan states that all residential developments in areas of good public transport accessibility should aim for significantly less than one space per unit.

125 No off-street parking is proposed which is considered acceptable given the PTAL of 6a. The on-street parking restrictions, including red routes on both New Cross Road and Queens Road and double yellow lines on the surrounding roads, are considered sufficient to prevent any increase to parking stress within the local area.

### **7.4.4 Transport impact conclusion**

126 The proposal would not result in harm to the local highway network or pedestrian or highway safety. The inability of the site to formally accommodate cycle storage is due to the listed status of the building, and on balance, had the recommendation been to approve, this would have been acceptable in this particular case.

## **7.5 LIVING CONDITIONS OF NEIGHBOURS**

### *General Policy*

127 DM Policy 32 states that the Council expects all new residential development to provide a satisfactory level of privacy, outlook and natural lighting both for neighbouring residents.

### **7.5.1 Enclosure, Outlook and Privacy**

128 The external alterations to the property are restricted to the rear elevations. These alterations include the installation of additional windows and an inset balcony at roof level. The views from the windows are established and the balcony and other external terraces are an existing part of the hotel. As such, it is considered that the proposed development would not result in any loss of privacy to the residential units located to the west and north of the property.

### **7.5.2 Noise and disturbance**

129 The public house would operate with reduced hours and would no longer be permitted to be a live music venue. As such, the public house would have reduced impact on the surrounding residential units in terms of noise disturbances.

130 Details of the specification for the extraction and ventilation equipment for the commercial kitchen would have been secured by condition had the application been considered otherwise acceptable.

### **7.5.3 Impact on neighbours conclusion**

131 Overall, the proposed development is not considered to result in any unacceptable impacts to the surrounding properties in accordance with DM Policy 31.

## **8 LOCAL FINANCE CONSIDERATIONS**

132 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).

133 The weight to be attached to a local finance consideration remains a matter for the decision maker. The CIL is therefore a material consideration.

## **9 EQUALITIES CONSIDERATIONS**

134 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.

135 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.

136 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.

137 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>

138 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

139 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>

140 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.

## 10 HUMAN RIGHTS IMPLICATIONS

141 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

142 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.

143 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.

## 11 CONCLUSION

144 The proposal would result in unacceptable living conditions for future residents, in terms of noise and vibration. Suitable noise attenuation to allow a satisfactory standard of residential accommodation is not possible (given the listed status of the building) without additional conditions to control the hours of operation of the existing public house and to preclude any amplified or live music. Such conditions, while agreed by the applicant, would be unreasonable and would harm the operational flexibility of the public house, a use which is afforded significant protection at national, regional and local policy. This is a very significant harm.

145 Amplified or live music is an important part of a pub's character and common to many public houses. That is apparent in the existing pub model. The applicant proposes a new pub model that does not require amplified or live music. While this might be viable in the short term, it is not reasonable to constrain the future operational flexibility of the pub to the extent that would be necessary to make the living conditions of future residents acceptable. The inherent conflict between pub and residential uses cannot adequately be overcome in this instance, in large part due to the limitations imposed by the buildings listed status, which restricts the noise attenuation that can be installed.

146 The NPPG and policies also require regard to be had to the economic and social benefits of the noise-generating use. The live music offer and late opening (until 3am) define the character of the pub at present. The pub as operated makes a significant contribution to the local community, inclusivity and diversity, the late night economy and culture. The above mentioned conditions would unreasonably restrict the existing pub model to the extent it would have to cease.

147 Based on representations from the existing tenant, it is evident the pub could not continue to have the same character if permission were granted. Representations from residents have demonstrated the value the character of the pub has in terms of serving the diverse local communities who enjoy the pub. Officers are satisfied that the economic, social and cultural lives of local residents and the New Cross late night economy and culture would be materially harmed should permission be granted, and this could not be adequately mitigated by conditions.

148 A pub would be re-provided as part of the planning permission, and a condition could be imposed to ensure it is provided before the residential units are fully occupied. Second to the main issue of the living conditions of future residents is the change to the pub character as a result of necessary (but unreasonable) conditions and the impact this would have on the local community, economy and cultural offer. The existing and emerging policy framework of the NPPF, the London Plan, the SPG, the Strategy and

the Draft London Plan is clear that boroughs should have regard to the cultural lives of Londoners and seek to protect or enhance venues for cultural production and consumption. New Cross is ideally suited to this type of venue and activity, as the Draft London Plan notes, due to the presence of similar venues, supporting late-night economic activity.

- 149 The applicant has not provided any evidence that the current operation is unviable. There is no evidence to suggest the character of the pub is not suited to the area or that there are other problems. This application identifies no harm that it is seeking to overcome. Therefore the argument in favour of this change is limited to two merits: (1) the enhancements to the listed building; and (2) the provision of new homes.
- 150 This first merit is significant: the works would clearly increase the heritage value of this listed building. The nature of the works, principally involving internal alterations and works to the rear elevations, mean the enhancement to the Conservation Area would be more limited. The second merit is less significant, based on the number and mix of the units proposed. Taken together, the merits are significant.
- 151 Officers conclude that the very significant harms identified above would outweigh the significant merits of the proposal. The recommendation is to refuse planning permission, for the reason set out below.
- 152 The application for Listed Building Consent is otherwise acceptable and is recommended to be granted, subject to a condition that planning permission first be secured before the implementation of the subject consent.

## 12 RECOMMENDATIONS

**REFUSE PLANNING PERMISSION** for the following reason:

- 1) The proposed conversion of the upper floors to residential use, by virtue of the restrictions imposed by the building's statutory listing which limit the maximum noise attenuation that can be achieved, would result in unacceptable living conditions for future residents, in terms of noise and vibration, that cannot be mitigated by conditions as any such conditions would amount to unreasonable restrictions on the use of the pub which is of a unique and intrinsic character that caters to a diverse clientele and contributes materially to the economic, social and cultural lives of local residents and the late night economy and culture of New Cross, contrary to the NPPF (2019), NPPG, Policies 3.1, 4.6, 4.8 and 7.15 of the London Plan (2016), Policies GG1, HC5, HC6, HC7, D1, D12 and D13 of the draft London Plan (2019), Objective 5 and Policy 19 of the Core Strategy (2011), Policies 20, 26 and 43 of the Development Management Local Plan (2014) and the provisions of the Culture & the Night-Time Economy SPG (2017).

**GRANT LISTED BUILDING CONSENT** subject to the following conditions:

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

0100-DR-0100 Rev P02; 0100-DR-0101 Rev P01; 0100-DR-0102 Rev P01; 0100-DR-0103 Rev P02; 0100-DR-0104 Rev P02; 0100-DR-0105 Rev P01; 0100-DR-0106 Rev P01; 0100-DR-0107 Rev P01; 0100-DR-0108 Rev P01; 0100-DR-0109 Rev P02; 0100-DR-0010 Rev P01; 0100-DR-0011 Rev P01; 0100-DR-0012 Rev P01; 0100-DR-0013 Rev P01; 0100-DR-0014 Rev P01; 0100-DR-0015 Rev P01; 0100-DR-0016 Rev P01; 0100-DR-0017 Rev P01; 0100-DR-0018 Rev P01; 0100-DR-0019 Rev P01; 0100-DR-0020 Rev P01; 0100-DR-0021 Rev P01;

**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) (a) Notwithstanding the details hereby approved, the staircase connecting the second floor of the building to the attic room shall not be removed until a detailed record of the existing staircase has been submitted to and approved in writing by the local planning authority. This should detail those elements of the staircase to be reused in the replacement staircase connecting the proposed second floor flat to the attic room.
- (b) Notwithstanding the details hereby approved, the staircase connecting the second floor to the attic room shall not be removed until a detailed scheme for treatment of the area of the removed staircase has been submitted to and approved in writing by the local planning authority. This should clearly identify those elements to be original staircase to be reused as part of these works.
- (c) Notwithstanding the details hereby approved, the new staircase connecting the second floor to the attic room shall not be installed until detailed drawings of the proposed staircase at a scale 1:10 and 1:20 has been submitted to and approved in writing the local planning authority. This should clearly identify those elements to be original staircase, which will be incorporated into the fabric of the new staircase.
- (d) The development shall be carried out in accordance with the approved details.

**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 and Policy 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).

- (4) (a) No development shall commence on site until detailed drawings of the proposed sliding sash windows for the flats hereby approved, at a scale 1:10 or 1:20 have been submitted to and approved in writing by the local planning authority.
- (b) The approved details shall be installed prior to occupation of the flats and retained thereafter unless the local planning authority has given its agreement in writing to any variation.

**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 and Policy 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).

- (5) If during the works any hidden architectural or historic features are revealed, the local planning authority must be made aware of any such discovery within [ ] days of such discovery 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.

- (6) All new works, and works of making good to the retained fabric, whether internal or external, shall be finished to match the original work with regard to the methods used and to material, colour, texture and profile, and in the case of brickwork, to match the original bond, mortar and pointing.

**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) (a) Prior to the installation of the sound insulation a detailed method statement explaining how the floorboards are proposed to be lifted, recorded for re-installation, stored and put back in place shall be submitted and approved in writing by the Local Authority.

(b) The Works Shall be carried out in strict accordance with the Method Statement.

**Reason:** To ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage, and poor re-installation after during and after the course of works.

- (8) All existing original features throughout the building (all floors and external fabric) shall be retained in situ, if moved for repair and restoration they should be kept on site, unless the local planning authority has previously given its approval in writing to any other arrangement.

**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.

- (9) (a) Prior to installation of the proposed secondary double glazing to the windows of the flats hereby approved, detailed drawings of the proposed secondary double glazing at a scale 1:10 or 1:20 shall be submitted to and approved in writing by the local planning authority.

(b) The approved details shall be installed prior to occupation of the flats and retained thereafter unless the local planning authority has given its agreement in writing to any variation.

**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 and Policy 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).

- (10) (a) Prior to installation of the proposed lantern lights to the flat roof of the public house, detailed drawings of the proposed lantern lights at a scale 1:10 or 1:20 (as appropriate) shall be submitted to and approved in writing by the local planning authority.

(b) The lantern lights shall be installed in accordance with the approved details prior to occupation of the flats hereby approved and shall be retained thereafter unless the local planning authority has given its agreement in writing to any variation.

**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 and Policy 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).

- (11) Prior to the implementation of the Listed Building Consent hereby approved, details of a contract made for the carrying out of works of redevelopment shall be submitted in writing to and approved by the Local Planning Authority and planning permission shall have been granted for the redevelopment. The development shall be in accordance with the approved details.

**Reason:** to meet the Local Planning Authority's obligation to ensure new development will proceed after the loss of part of a heritage asset has occurred.