

Committee	PLANNING COMMITTEE C	
Report Title	FORMER DEPTFORD POLICE STATION, 114-116 AMERSHAM VALE, LONDON, SE14 6LG	
Ward	NEW CROSS	
Contributors	GARETH CLEGG	
Class	PART 1	26 MARCH 2020

Reg. Nos. (A) DC/19/111720 (full application for planning permission)  
(B) DC/19/111939 (application for Listed Building Consent)

Application dated 29 April 2019

Applicant Proun Architects on behalf of Moor Park Estates Limited

Proposal

(A) External alterations to the former Deptford Police Station, 114-116 Amersham Vale SE14, including the demolition of existing rear outbuildings in association with the alteration and conversion of part of the ground floor and the floors above to provide 9 self contained dwellings (4 x 1 bed, 4 x 2 bed and 1 x 3 bed) together with associated cycle parking, refuse storage and outdoor amenity space.

(B) Listed Building Consent for external alterations to the former Deptford Police Station, 114-116 Amersham Vale SE14, including the demolition of existing rear outbuildings in association with the alteration and conversion of part of the ground floor and the floors above to provide 9 self contained dwellings (4 x 1 bed, 4 x 2 bed and 1 x 3 bed) together with associated cycle parking, refuse storage and outdoor amenity space.

Designation PTAL 5 and 4  
Flood Risk Zone 2 and 3  
Area of Archaeological Priority  
Not in a Conservation Area  
Grade 2 Listed Building

# 1 SUMMARY

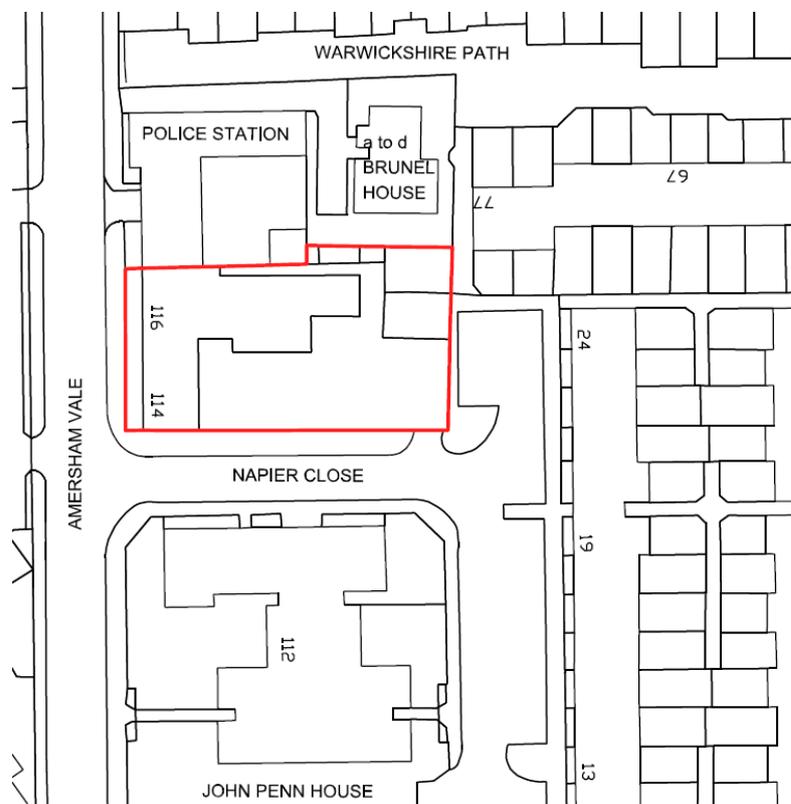
1 This report sets out Officer's recommendation for the above proposal. The report has been brought before Planning Committee for a decision as permission is recommended to be approved and there are more than three valid planning objections.

# 2 SITE AND CONTEXT

## *Site description and current use*

2 The application property comprises the Grade II listed Former Deptford Police Station and its grounds, which occupies a site area of c. 998sqm. The use of the building as a police station ceased around 2008, and the building has been in use as artist studios since around 2009 (planning permission for change of use to Use Class B1 artist studios was granted on 3 February 2009 – application reference DC/08/070133). There are approximately 45 artist studios based within the former Police Station and the associated outbuildings and containers within its grounds. At the time of the officer site visit in May 2019, with the exception of two units, all of the remaining studios were occupied by artists and creatives.

3 The building has an 'L' shaped plan with its frontage to Amersham Vale. The frontage to Amersham Vale comprises three storeys with basement and a mansard roof attic storey. A rear outrigger wing extends from this, which sits lower than the main part of the building, being of varying height and more utilitarian in design. An area of hardstanding lies to the rear of the building, which comprises the former Drill Yard to the police station. This yard area is partially occupied by a number of outbuildings and containers. The yard is enclosed by a brick boundary wall of c. 2.5m in height, which marks the site's southern and eastern boundaries to Napier Close. There is a vehicular access point to the rear yard from Napier Close via a gate located in the southern boundary wall.



**Figure 1 – Site Location Plan**

### **Character of area**

- 4 The site lies within an area which is predominantly residential in character. To the south of the site on the facing side of Napier Close lies John Penn House which is a two storey block comprising residential accommodation. To the north, the building adjoins the replacement Police Station (which itself is now no longer in use as a police station). Brunel House also adjoins the site to the north, which is a two storey block comprising residential accommodation. To the east of the site are two storey terraced properties on Napier Close and Warwickshire Path which form part of the Adolphus Estate. A pedestrian route runs to the east of the site connecting Napier Close to Warwickshire Path.
- 5 To the west of the site on the opposite side of Amersham Vale, the site of the Former Deptford Green School is cleared and vacant. Planning permission was granted in July 2018 for the construction of residential blocks ranging between one and five storeys and comprising a total of 120 residential units (planning application reference DC/15/095027).

### **Heritage/archaeology**

- 6 The application property is Grade II listed (first listed in March 1973) and the listing description is as follows:
- 7 *“1912. 3 storeys and basement, 6 windows, irregular, Modified neo-classical style. High pitched tiled roof with overhanging eaves and end chimneys. Dull red brick with bright red brick dressings, i.e. gauged brick window arches extended to form bands, banding on angle pilasters, moulded and dentilled cornices and blocking courses to 2 round, 2-storey bows at left bay and 2nd bay from right, each having 3 sash windows with glazing bars on each floor. All similar windows, those on 2nd floor 2-light. 8 steps to round-arched entrance with keystone through moulded architrave to cornice of raised surround, all in carved red brick. Handsome wrought iron handrail and area railings, these framing white stone on high plinth, with date, "1912", and lamp holder of cast and wrought iron over.”*
- 8 The application property is not within a conservation area and there are none in the immediate vicinity. With the exception of the application property itself, there are no other listed or locally listed buildings in the immediate vicinity.

### **Surrounding area**

- 9 Charlottenburg Park and Margaret McMillan Park are the nearest public open spaces, located approximately 65m and 140m from the site respectively. The site lies broadly equidistant from designated district centres at Deptford and at New Cross.

### **Local environment**

- 10 The site lies within Flood Zone 3, associated with the risk of tidal flooding from the River Thames. The site is however protected by the River Thames tidal flood defences up to a 1 in 1,000 (0.1%) chance in any year, and the Environment Agency's most recent flood modelling indicates that the site would not be at risk even if there was to be a breach in the defences.

### **Transport**

- 11 The majority of the application site has a PTAL of 5, which reduces to a PTAL of 4 on a small part of the rear yard area. PTAL is measured on a scale of 1 to 6b, with 1 being the

lowest and 6b the highest. It lies approximately 200m from New Cross rail station, with an extensive network of bus routes through the surrounding area.

### **3 RELEVANT PLANNING HISTORY**

- 12 DC/16/095031 - External alterations to the former Deptford Police Station at Nos 114-116 Amersham Vale SE14 including the demolition of the existing rear outbuildings in association with conversion to residential use and construction of a new 3 storey residential building to the rear to create a total of 22 self contained residential units comprising 7, one bedroom, 12, two bedroom and 3, three bedroom self-contained flats, together with associated outdoor amenity space, landscaping and cycle storage. Refused 3 March 2017. Appeal dismissed 28 February 2018.
- 13 DC/16/095032 – Listed Building Consent for the internal and external alterations to the former Deptford Police Station at Nos 114-116 Amersham Vale SE14 including the demolition of the existing rear outbuildings in association with conversion to residential use and construction of a new 3 storey residential building to the rear to create a total of 22 self contained residential units comprising 7, one bedroom, 12, two bedroom and 3, three bedroom flats, together with associated outdoor amenity space, landscaping and cycle storage. Refused 3 March 2017. Appeal dismissed 28 February 2018.
- 14 In relation to application DC/16/095032, there was one reason for refusal, which was identical to the first reason for refusal in relation to application DC/16/095031 (detailed below).
- 15 In relation to application DC/16/095031, there were seven reasons for refusal as follows:
1. The cumulative impact of the internal and external alterations to the Grade II Listed Police Station required for the proposed conversion to flats would detract from its municipal character and would impose a residential character onto the building that would undermine its historic significance, resulting in substantial harm to the heritage asset and its setting, contrary to Policy 16 (Conservation areas, heritage assets and the historic environment) of the adopted Core Strategy (2011) and Policy 36 (New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens) of the Development Management Local Plan (2014), Policy 7.8 (Heritage assets and archaeology) of the London Plan and paragraphs 131, 132 and 133 of the National Planning Policy Framework.
  2. The proposed apartment block, on account of its scale, location and design, would fail to have sufficient regard for the historic police station, its setting and the wider street scene, resulting in substantial harm to the listed building and detracting from the visual amenities of the area. As such, the development is contrary to Policy 16 (Conservation areas, heritage assets and the historic environment) of the Core Strategy (2011), Policy 36 (New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens) of the adopted Development Management Local Plan 2014 and Policy 7.8 (Heritage assets and archaeology) of the London Plan.
  3. The proposed basement flats, on account of their poor outlook and the limited access to natural light to some habitable rooms, would fail to provide satisfactory living accommodation, contrary to 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).

4. The proposed basement flats, on account on their location in an area at risk of flooding and in the absence of sufficient suitable flood mitigation measures, would fail to provide adequate protection from flooding contrary to Policy 10 (Managing and reducing the risk of flooding) of the Core Strategy (2011) and paragraph 100 of the National Planning Policy Framework.
5. The proposed change of use, on account of the loss of occupied B1 employment floorspace, would be harmful to the vitality and viability of the local economy, contrary to Policy 5 (Other Employment Locations) of the Core Strategy (2011) and DM Policy 11 (Other Employment Locations) of the Development Management Local Plan.
6. In the absence of a S.106 agreement to secure a contribution to affordable housing, the proposed development would fail to provide for housing needs in the Borough, contrary to Policy 1 (Housing Provision, Mix and Affordability) of the Core Strategy (2011) and Policy 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes) of the London Plan.
7. In the absence of a S.106 agreement securing Car Club Membership for residents of the development, the proposed development would result in unacceptable overspill parking on the public highway, contrary to Policy 29 (Car Parking) of the Development Management Local Plan and Policy 14 (Sustainable Transport and Movement) of the Core Strategy (2011).

16 An appeal was subsequently lodged to this refusal and a hearing took place in January 2018. The Planning Inspector considered that the main issues were:

- The effects of the proposal on the significance of the Listed Building;
- Whether residents of the basement flats would have a satisfactory level of light and outlook;
- Whether the development would be at an unacceptable risk of flooding; and
- Whether the loss of the existing B1 use would have an unacceptable effect on the local economy.

17 The appeal was dismissed on 28 February 2018 and a summary of the Inspector's findings on these main issues is set out below.

*The effects of the proposal on the significance of the Listed Building*

18 The Inspector found that the numerous proposed alterations to the listed building would have a cumulative and unacceptable effect on the significance of the listed building, and that the alterations, losses and imposition of a new function, reflected in its new form, would much reduce the significance of the building. In relation to the proposed new block within the rear part of the site, the Inspector found that in certain viewpoints from within Napier Close it would compete with and detract from the form and design of the listed building, and would reduce the opportunity for openness within the rear of the site by some considerable degree. The Inspector therefore concluded that the proposed block would represent an unacceptable addition to the listed building which would have a harmful effect on it and its setting. The Inspector considered that the level of harm would be 'less than substantial' and attached considerable importance and weight to this harm, which was not outweighed by the public benefits of the proposal.

*Light and outlook of basement flats*

- 19 The Inspector found that a number of rooms at the basement level would not be provided with an acceptable outlook, and that this was not compensated for by the fact that other rooms within those units would not be affected in the same way. In relation to issues of privacy for those units at basement level which would be overlooked from the communal area, the Inspector found that it would be difficult to eliminate, or restrict to an acceptable degree, the potential for overlooking into these proposed flats, and did not consider that this could not be satisfactorily resolved by the agreement of a suitable landscaping scheme.

*Flood risk*

- 20 At the time of the appeal, the site was classified as partly within Flood Zone 2 and partly within Zone 3a. The appellant sought to indicate that the different parts of the site should be treated separately for this purpose and also that, as the NPPG states that a sequential test should not be required for changes of use, that the conversion of the original building should be separated out and a sequential test should not be required for that element. The Inspector concluded that the site and the scheme should be considered as a whole, rather than seeking to treat parts of it individually. The Inspector noted that no sequential test had been carried out for the site. Whilst the Inspector recognised that the Environment Agency did not formally object to the proposal, he considered that their correspondence did not offer complete security and acknowledged the general need to steer development to low risk areas. As such, the Inspector concluded that the requirements of Policy CS10 and the advice and guidance in the Framework and NPPG had not been followed.

*Loss of B1 floorspace*

- 21 The Inspector considered that the existing building cannot reasonably be described as a cluster of commercial uses, as it represents an isolated example of such a use within a mainly residential area. As such, having given consideration to the requirements of the Council's policies, the Inspector found no conflict with the policies of the development plan in this respect.
- 22 DC/11/078654 - The installation of solar PV panel modules on the south and east facing roof slope to the rear of Deptford Police Station, 114-116 Amersham Vale SE14. Granted – 13 January 2012.
- 23 DC/09/071294 - Details of cycle parking provision submitted in compliance with Condition (4) of the planning permission dated 3 February 2009 for the change of use of the Old Deptford Police Station, 114/116 Amersham Vale SE14 to artist studios, with ancillary gallery (Use Class B1). Approved – 12 May 2009.
- 24 DC/09/070925 - Listed Building Consent for alterations to the existing front door, removal of built-in furniture, removal of stud partitions and ceiling tiles and alterations to the existing rear gates at Deptford Police Station, 114-116 Amersham Vale SE14. Granted – 1 May 2009.
- 25 DC/08/070133 - The change of use of the Old Deptford Police Station, 114/116 Amersham Vale SE14 to artist studios, with ancillary gallery (Use Class B1). Granted 3 February 2009.
- 26 DC/08/068519 - Conversion of the Old Deptford Police Station into 17 residential flat units and the construction of 4 new build flats in the north east corner of the site. Application withdrawn.

27 DC/08/068518 - The alteration and conversion of the Police Station at 114 -124 Amersham Vale SE14 and the construction of a part two/part three storey building to provide 11 one bedroom, 6 two bedroom and 3 three bedroom self-contained flats together with a three bedroom maisonette, alterations to the side and rear elevations and provision of bin/bicycle stores. Application withdrawn.

## **4 CURRENT PLANNING APPLICATION**

### **4.1 THE PROPOSALS**

28 The planning and listed building consent applications seek permission for internal and external alterations to the building and demolition of existing rear outbuildings in association with the conversion of part of the existing building to provide 9 self contained dwellings (4 x 1 bed, 4 x 2 bed and 1 x 3 bed) with associated cycle parking, refuse storage and outdoor amenity space.

29 The lower ground floor and part of the ground floor would be retained as artist studios. Two new residential apartments would be introduced at ground floor level, with the first and second floor levels converted to form three apartments per floor, with a further apartment on the third floor. The rear yard would be landscaped to comprise communal amenity space for the apartments, together with cycle parking and refuse storage.

30 The development would not make provision for any car parking on-site, with the provision of cycle parking for both the residential use and the retained studio workspace.

31 The application property comprises 1,309sqm of floorspace, the lawful use of which is artist studios (use class B1). The application proposes that 540sqm of floorspace would be retained as artist studios at lower ground and ground floor levels (including space within existing outbuildings to be retained in the rear yard), with the remainder of the floorspace converted to residential accommodation and associated communal facilities.

### **4.2 COMPARISON WITH PREVIOUS SCHEME**

32 The application proposal has been substantially revised from the previously refused scheme, with the applicant seeking to address those reasons for refusal which were endorsed by the Planning Inspector. The key changes are summarised below:

33 *Reduction in total number of units* – the previously refused scheme involved the creation of a total of 22 residential units on the application site (15 units created via internal conversion within the former Police Station building, and 7 units created within a three storey new build element within the rear yard area). The current proposal would involve the creation of 9 residential units, all of which would be accommodated within the former Police Station building.

34 *Removal of new build element on rear yard* – where the previously refused scheme proposed the development of a three storey new build element within the rear yard area, accessed from Napier Close, there is no new build element proposed as part of the current proposal. This new build element has been removed specifically to address the reason for refusal in relation to the impact of development on the rear yard on the character and setting of the listed building.

35 *Retention of artist studio space* – where the previously refused scheme involved the loss of all existing studio space, the current proposal would involve the retention of 540sqm of floorspace at lower ground and ground floor levels as artist studios. As such, no residential accommodation would be provided at lower ground floor level, which in part

seeks to address the previous reasons for refusal in relation to the amenity that would be afforded to residential units at this level, and the Inspector's concerns in relation to flood risk.

36 *Internal and external works* – the applicant team has sought to respond to and address the detailed comments of the Council's conservation officer at both pre-application stage and following submission of the application in order to ensure that the proposed internal and external works associated with the proposed development are sensitive to the building's Grade II listed status.

## 5 CONSULTATION

### 5.1 PRE-APPLICATION ENGAGEMENT

37 The applicant engaged with Council officers for pre-application advice in advance of submission of the applications, however no pre-application public consultation was carried out.

### 5.2 APPLICATION PUBLICITY

38 Site notices relating to the planning and listed building consent applications were displayed on 17 and 24 April 2019 respectively, and a press notice was published on 24 April 2019.

39 Letters were sent to 33 residents and business in the surrounding area and the relevant ward Councillors on 17 April 2019.

40 35 responses were received, all comprising objections.

41 In accordance with the requirements of the Council's Statement of Community Involvement, a public drop-in session was held between 6 – 8pm on 10 December 2019 at Deptford Lounge. All those who had submitted comments on either the planning application or listed building consent application were invited to attend. A total of 10 people came along to the session during the course of the evening. The session was attended by three representatives from the applicant team together with the planning case officer. A note of the comments raised by those attending the drop-in session is set out at Appendix 1.

#### 5.2.1 Comments in objection

Comment	Where addressed
<i>Principle of development - loss of artist studio workspace</i>	
The existing studios and workspaces provide a valuable resource for local artists and the creative economy, and the proposed development will result in the loss of this workspace	Section □
There are very few affordable workspaces left in the local area and therefore the loss of this space will push artists out of the area	
The former Police Station makes a valuable contribution to the local creative	

<b>Comment</b>	<b>Where addressed</b>
economy and the Deptford and New Cross Creative Enterprise Zone (CEZ)	
The loss of the existing workspace would run counter to the Council's and the Mayor of London's commitment to support the retention and development of creative industries within the CEZ	
<i>Principle of development – mix of uses</i>	
The mixed use nature of the proposed use would result in conflicts between the residential accommodation and the retained artist studio space, particularly in relation to complaints about noise and disturbance from residents which may compromise the continued operation of the retained workspace	Paragraphs 111 to 119 and paragraphs 134 to 137
The proposal does not make sufficient provision for an outdoor yard area for the artists, which is required to assemble larger pieces etc.	Paragraphs 134 to 137
The proposed development would not involve any affordable housing provision	Section 7.2.2
<i>Heritage</i>	
The proposed works will result in harm to this Grade II listed building, and original features being lost	Section 7.3.2
<i>Amenity</i>	
Conversion works will cause disruption and nuisance for neighbouring residents	Section 7.5.4
<i>Other</i>	
The site is at risk of flooding	Section 7.6.4

### 5.3 INTERNAL CONSULTATION

- 42 The following internal consultees were notified, and their responses are summarised below:
- 43 Highways - no objection, subject to the imposition of conditions requiring submission of a Delivery, Servicing and Parking Management Strategy, submission and implementation of a Travel Plan, and submission of details of cycle parking and refuse storage facilities.
- 44 Environmental Protection - initially raised a number of concerns with the submitted Sound Insulation Investigation Report in terms of the potential to achieve acceptable internal noise standards within the proposed residential units, having regard to the existing use of the studio workspace that would be retained at lower ground and ground floor levels. In response to this, the applicant's acoustic consultant provided additional information. This is detailed within the report below under 'Housing – Noise & Disturbance'.

45 Environmental Sustainability - initially raised a number of concerns in relation to the submitted Flood Risk Assessment and requested the submission of additional information in terms of a Surface Water Drainage Strategy which demonstrates that the detailed calculations are in compliance with the relevant Non-Statutory Technical Standards. This is detailed within the report below under 'Sustainable Development – Sustainable Urban Drainage'.

## **5.4 EXTERNAL CONSULTATION**

46 Environment Agency – no objection, subject to the imposition of a condition requiring appropriate action to be taken in the event that contamination not previously identified is found to be present during development.

47 Historic England – no comments.

48 Historic England – Archaeology (Greater London Archaeological Advisory Service) – no response.

49 Ancient Monuments Society – no response.

50 Council for British Archaeology – no response.

51 Georgian Group – no response.

52 Society for the Protection of Ancient Buildings – no response.

53 Twentieth Century Society – no response.

54 Victorian Society – no response.

55 Transport for London – no comments.

## **6 POLICY CONTEXT**

### **6.1 LEGISLATION**

56 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).

57 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**

58 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.

59 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.

60 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 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

### **6.4 DEVELOPMENT PLAN**

61 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

### **6.5 SUPPLEMENTARY PLANNING GUIDANCE**

62 Lewisham SPG/SPD:

- Planning Obligations Supplementary Planning Document (February 2015)

63 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- Play and Informal Recreation (September 2012)
- Sustainable Design and Construction (April 2014)
- 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)
- Social Infrastructure (May 2015)
- Housing (March 2016)
- Homes for Londoners: Affordable Housing & Viability (August 2017)
- Culture & Night Time Economy (November 2017)
- Energy Assessment Guidance (October 2018)

### **6.6 OTHER MATERIAL DOCUMENTS**

- Draft London Plan: 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 was held between 15 January and 22 May 2019. The Inspector's report and recommendations were published on 8 October 2019. The

Mayor issued to the Secretary of State the Intend to Publish London Plan on 9 December 2019. This document now has some weight as a material consideration when determining planning applications. The relevant draft policies are discussed within the report (DLPP).

## 7 PLANNING CONSIDERATIONS

64 The main issues are:

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

### 7.1 PRINCIPLE OF DEVELOPMENT

#### *General policy*

65 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.

66 Lewisham is defined as an Inner London borough in the London Plan. LPP 2.9 sets out the Mayor of London's vision for Inner London. This includes among other things sustaining and enhancing its recent economic and demographic growth; supporting and sustaining existing and new communities; addressing its unique concentrations of deprivation; ensuring the availability of appropriate workspaces for the area's changing economy; and improving quality of life and health.

#### *Policy*

67 Para 80 of the NPPF states "Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development".

68 LPP 4.1 seeks to promote and enable the continued development of a strong, sustainable and diverse economy across all parts of London, ensuring the availability of sufficient and suitable workspaces in terms of type, size and cost, supporting infrastructure and suitable environments. The reasoned justification to LPP 4.6 recognises that London's cultural and creative sectors are central to the city's economic and social success, and the policy confirms that boroughs through their Local Plans should seek to enhance and protect creative work and performance spaces and related facilities in particular in areas of defined need.

69 DLPP E2 – 'Providing suitable business space' requires development proposals that involve the loss of existing B Use Class business space (including creative and artists' workspace) in areas identified in a local Development Plan Document where there is a shortage of lower-cost space or workspace of particular types, uses or sizes to demonstrate that there is no reasonable prospect of the site being used for business

purposes, or ensure an equivalent re-provision of business space as part of any redevelopment. DLPP HC5 – ‘Supporting London’s culture and creative industries’ states that where a Creative Enterprise Zone has been identified in a Local Plan, the plan’s policies should protect existing creative workspace and help deliver spaces that are suitable, attractive and affordable for the creative industries, taking into account the particular requirements of established and emerging creative businesses in the CEZ. The reasoned justification to DLPP HC5 identifies that the loss of cultural venues, facilities or spaces can have a detrimental effect on an area, and where possible, boroughs should protect such cultural facilities and uses.

- 70 CSP5 states that the scattering of employment locations outside of Strategic Industrial Locations, Local Employment Locations and Mixed Use Employment Locations will be protected. DMP11 states that employment uses will be retained where they are considered capable of contributing to and supporting clusters of business and retail uses and where the use is compatible with the surrounding area. DMP4 states that the conversion of B use class space to flats will be supported where the proposal does not conflict with other policies in relation to employment floorspace, where the proposal meets the standards for residential development set out in DMP32, and the proposal achieves a good living environment with suitable access, parking, and refuse arrangements.

#### *Discussion*

- 71 In relation to the previously refused application, no evidence had been provided to demonstrate that the existing artist studio use was not viable or that alternative employment uses had been considered and discounted. Similarly, no evidence had been presented on the grounds that the proposed use would be more appropriate in terms of the building’s listed status, or to secure its long term retention and maintenance. As such, one of the reasons for refusal in relation to the previous application was that the proposed change of use, on account of the loss of occupied B1 employment floorspace, would be harmful to the vitality and viability of the local economy, contrary to CSP5 and DMP11.
- 72 In his consideration of this matter as part of the planning appeal, the Inspector considered that the existing building cannot reasonably be described as a cluster of commercial uses, as it represents an isolated example of such a use within a mainly residential area. As such, having given consideration to the requirements of the Council’s policies, the Inspector found no conflict with the policies of the development plan in this respect.
- 73 In December 2018, the Mayor of London announced the establishment of a Creative Enterprise Zone for Deptford and New Cross to support artists and creative businesses, and develop skills and jobs. The application site falls within the boundary of the area defined as part of the bid for CEZ status for Deptford and New Cross, and recognising that the former Deptford Police Station accommodates approximately 45 artist studios it is clear that the existing use of the building makes an important contribution to the CEZ. Following designation, the Council is developing a programme of activities to strengthen and develop the CEZ.
- 74 The emerging London Plan seeks to afford protection to existing low cost and creative workspace, recognising that creative businesses are particularly sensitive to even small fluctuations in costs, and that to deliver a diverse economy, it is important that cost pressures do not squeeze out smaller businesses. DLPP E2 and HC5 are relevant considerations, as summarised above. However, in relation to both Policies E2 and HC5, the specific policy wording means protection is only afforded where identified in borough’s Development Plan Documents. Part C of DLPP E2 affords protection to B Use Class business space (including creative and artists’ workspace), but only in areas

identified in a local Development Plan Document where there is a shortage of lower-cost space or workspace of particular types. The Council's adopted planning documents were prepared and adopted prior to the emerging London Plan and do not identify a shortage of lower-cost space or workspace within the local area, and as such the protection that would otherwise be afforded by Part C of Policy E2 does not apply in this case. Similarly, in relation to Part C of Policy HC5, this states that where a CEZ has been identified, it is for Local Plan policies to "develop, enhance, protect and manage new and existing creative workspace", and "help deliver spaces that are suitable, attractive and affordable for the creative industries". Whilst Lewisham's adopted planning documents afford general protection to employment uses in the context of policies CSP5 and DMP11, there are no specific policies in relation to the CEZ, recognising that it was only designated in December 2018.

- 75 The Council is currently preparing a Local Plan which will develop this policy approach, however the emerging Draft Local Plan cannot be afforded weight in planning decisions at this stage, recognising its current stage of preparation.
- 76 As set out above, in relation to the previously refused application, the Inspector found no conflict with the policies of the adopted development plan in respect of the loss of employment floorspace. The previous application involved the complete loss of all existing employment floorspace within the application site. By contrast, the current proposal involves the retention of approximately 540sqm of floorspace as artist studios at lower ground and ground floor levels. In the context of this previous decision, the fact that the emerging London Plan policies do not afford protection to such uses except where specifically identified within local Development Plan Documents, and given that the emerging Draft Local Plan cannot be afforded weight in decision making at this stage, it is not considered that the policy basis exists to resist the application on the principle of the loss of existing studio workspace floorspace.
- 77 This is considered to be regrettable, given the implications for the substantive loss of this established creative workspace which makes a positive contribution to the local economy and supports the wider cluster of creative uses that the Council together with the Mayor of London are seeking to promote in Deptford as part of the recently established CEZ. However, planning applications are required to be determined in accordance with the adopted development plan and other relevant material considerations at the time, and case law has demonstrated that refusal of planning permission on grounds of prematurity will only be justified in exceptional circumstances. Case law demonstrates that planning applications must be considered in light of current policies, and that whilst account can be taken of policies in emerging development plan documents, the weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached. Where a development plan document is at the consultation stage, with no early prospect of submission for examination, then case law has demonstrated that refusal on prematurity grounds would not be justified because of the delay which this would impose in determining the future use of the land in question. Policies in emerging development plans can only start to be afforded considerable weight where the plan has been submitted for examination and no representations have been made in respect of these policies. Lewisham's Draft Local Plan is due to be subject to Regulation 18 stage 'Preferred Approaches' consultation in summer 2020, with submission for examination not anticipated until 2021.
- 78 Informed by the Inspector's conclusion that the application property cannot reasonably be described as a cluster of commercial uses and lies within a mainly residential area, part 5 of DMP11 makes clear that a mix of uses in a new scheme will be considered positively subject to the context of the site and meeting the requirements of other policies within the plan, including securing an appropriate level of amenity for any proposed residential uses.

79 Part 6 of DMP11 identifies that contributions to training and/or local employment schemes will be sought on all sites where there is loss of local employment as a result of change of use. The approach to calculating this financial requirement is set out within Lewisham's Planning Obligations SPD. The HCA Employment Density Guide 2015 identifies an employment density for studio workspace of 1 job per 20sqm and for this type of workspace, the job density should be applied to the Net Internal Area (NIA). NIA reflects the net lettable workspace, and excludes corridors, internal walls, stairwells and communal areas. The proposed change of use would involve the loss of 462sqm NIA of studio workspace. Applying the methodology within the SPD, this therefore equates to an equivalent of 23 jobs. Applying the required contribution per job of £10,000 (BCIS indexed to Q1 2020) this generates a financial contribution of £281,963. The applicant has confirmed that they would be willing to enter into a legal agreement to secure this contribution.

80 On this basis, a financial contribution of £281,963 towards training and/or local employment schemes would be secured as part of any grant of consent. This is detailed below under Section 11 – Legal Agreement.

### **7.1.1 Principle of development conclusions**

81 The loss of the existing creative workspace is regrettable, particularly in the context of the Council's work with partners to support and develop the CEZ for Deptford and New Cross. However, as set out above, in the context of the existing policies within the adopted development plan and the conclusions of the Planning Inspector in relation to the previous appeal decision, it is not considered that the policy basis exists to resist the loss of this existing use.

## **7.2 HOUSING**

82 This section covers: (i) the contribution to housing supply; (ii) affordable housing; (iii) the standard of accommodation and the dwelling size mix.

### **7.2.1 Contribution to housing supply**

#### *Policy*

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

84 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF sets out the need to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

85 The NPPF encourages the efficient use of land subject to several criteria set out in para 122. Para 123 applies where there is an existing or anticipated shortage of land for meeting identified housing needs and strongly encourages the optimal use of the potential of each site.

86 LPPs 3.3 and 3.4 seek to increase housing supply and to optimise housing output.

87 The current London Plan sets an annual target of 1,385 new homes until 2025. The Intend to Publish London Plan identifies a ten year housing target for net housing completions (2019/20 – 2028/29) of 16,670 for Lewisham.

#### *Discussion*

88 The provision of nine dwellings is considered to represent a planning merit to which weight should be accorded, given the contribution this provision would make towards the borough's housing target.

### 7.2.2 Affordable housing

89 The application proposal would involve the creation of nine residential units. All of the proposed units would be private tenure. Core Strategy Policy 1 states that contributions to affordable housing will be sought on sites capable of providing 10 or more dwellings. PPG makes clear that planning obligations for affordable housing should only be sought for residential developments that are major developments (i.e. development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more). As such, the application proposal falls below the threshold for seeking affordable housing provision.

### 7.2.3 Residential Quality

#### *General Policy*

90 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), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

91 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; (v) noise and disturbance; and (vi) accessibility and inclusivity.

#### ***Internal space standards***

#### *Policy*

92 LPP 3.5 seeks to achieve housing development with the highest quality internally and externally in relation to their context. Minimum space standards are set out in Table 3.3 of the London Plan.

#### *Discussion*

93 The table below sets out proposed dwelling sizes.

**Table 1: Internal space standards – proposed v target**

<b>Unit</b>	<b>No of bedrooms</b>	<b>No. of persons</b>	<b>1 storey dwelling (proposed (target)) sqm</b>	<b>Built-in storage (proposed (target)) sqm</b>
G.01	2b	3p	65.9 (61)	2.0 (2.0)
G.02	1b	2p	76.9 (50)	1.5 (1.5)
1.01	2b	3p	61.2 (61)	2.0 (2.0)
1.02	1b	2p	62.7 (50)	1.5 (1.5)
1.03	3b	4p	81.7 (74)	2.9 (2.5)
2.01	2b	3p	71.4 (61)	2.4 (2.0)

2.02	1b	2p	50.3 (50)	1.6 (1.5)
2.03	1b	2p	55.8 (50)	1.8 (1.5)
3.01	2b	3p	73.7 (61)	2.0 (2.0)

94 The table below demonstrates the compliance with the Nationally Described Space Standards in terms of the bedroom dimensions:

**Table 2: Bedroom dimensions – proposed v target**

Unit	No of bedrooms	No. of persons	Bedroom 1 floor area (proposed (target)) sqm	Bedroom 2 floor area (proposed (target)) sqm	Bedroom 3 floor area (proposed (target)) sqm
G.01	2b	3p	11.5 (11.5)	9.7 (7.5)	n/a
G.02	1b	2p	12.9 (11.5)	n/a	n/a
1.01	2b	3p	12.6 (11.5)	8.6 (7.5)	n/a
1.02	1b	2p	19.0 (11.5)	n/a	n/a
1.03	3b	4p	11.5 (11.5)	8.9 (7.5)	8.5 (7.5)
2.01	2b	3p	12.1 (11.5)	9.4 (7.5)	n/a
2.02	1b	2p	16.4 (11.5)	n/a	n/a
2.03	1b	2p	11.5 (11.5)	n/a	n/a
3.01	2b	3p	14.1 (11.5)	9.3 (7.5)	n/a

95 All of the proposed units would meet or exceed the minimum internal space standards. The units would provide a range of dwelling sizes ranging from 1b/2p to 3b/4p which would provide a suitable dwelling mix.

### **Outlook & Privacy**

#### *Policy*

96 Emerging DLPP D3(7) requires development to achieve ‘appropriate outlook, privacy and amenity’. DMP 32(1)(b) expects new developments to provide a ‘satisfactory level’ of privacy, outlook and natural lighting for its future residents.

#### *Discussion*

97 Seven of the units would be dual or triple aspect and would afford an excellent standard of outlook. Two of the units would be single aspect, with Unit 1.02 being single aspect west facing, and Unit 3.01 being single aspect east facing. The layout of Unit 3.01 is constrained by its location within the roof space where the only existing windows are on the east elevation. It would clearly not be appropriate to introduce new windows in the front facing roof slope of this listed building. It is also noted that the proposed insertion of additional roof lights in the flat roofed element of the roof space would allow for additional light to this unit. In relation to Unit 1.02, the unit would benefit from large windows and would enjoy a favourable outlook to Amersham Vale. Recognising the constraints imposed by the existing building and its fenestration, in the context of its listed status, it is considered that the proposal would secure an acceptable level of amenity for residential occupiers in terms of outlook.

98 In terms of privacy, the relationship of the building to neighbouring buildings means that there would be limited scope for any conflicts in this regard.

### ***Overheating***

#### *Policy*

99 London Plan Policies 5.3 and 5.9 seek to avoid internal overheating through design, materials, construction and operation of the development. The Mayor's Housing SPG also identifies that development proposals should achieve an appropriate design of dwellings to avoid overheating without heavy reliance on energy intensive mechanical cooling systems.

#### *Discussion*

100 As set out above, seven of the units would be dual or triple aspect affording good opportunity for cross-ventilation. No mechanical ventilation is proposed, with natural ventilation providing the means of mitigating overheating. It is not considered proportionate to require an overheating analysis given the scale of the proposed conversion, which falls below the threshold for a major development. Recognising that this is a conversion and given the listed status of the building, there is limited scope for intervention to address issues of potential overheating in terms of the building fabric or fenestration, and as such it is considered that on balance the proposed development is not unacceptable in this regard.

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

#### *Policy*

101 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its future residents.

102 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.

103 In new dwellings, the BRE minimum recommended average daylight factor (ADF) is 1 % for bedrooms, 1.5% for living rooms and 2 % for kitchens.

#### *Discussion*

104 The application is accompanied by an Internal Daylight and External Sunlight Assessment. This concludes that each of the habitable rooms assessed within the proposed residential apartments meet the recommended levels of internal daylight as defined by BS8206-2:2008 and the BRE guidance using the ADF test. Owing to the generous proportions of the existing windows and the significant separation distance from neighbouring buildings, the assessment demonstrates that the majority of rooms would be afforded considerably higher levels of daylight distribution than the BRE minimum targets.

105 An assessment of Probable Sunlight Hours (PSH) has also been undertaken for the communal amenity space proposed within the rear yard. Owing to its south facing aspect and the low scale of John Penn House to the south, the assessment finds that 89.6% of the space will receive two hours of direct sunlight on 21 March, thereby considerably exceeding the BRE recommendation that at least half of the area should receive at least two hours of sunlight on 21 March.

106 As such it is considered that a suitable level of amenity will be afforded for residential occupiers in terms of daylight and sunlight.

### **Noise & Disturbance**

#### *Policy*

107 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.

108 The NPPF at 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.

109 DLPP D13 Agent of Change places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. It identifies that development should be designed to ensure that established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them.

110 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*

111 At the request of officers, the applicant commissioned acoustic consultants to prepare a Sound Insulation Investigation Report in order to demonstrate that a suitable level of acoustic protection could be achieved between the residential units and the retained studio workspace. Given the constraints imposed by the building's listed status, it was important to establish that a suitable scheme for acoustic protection could be developed that would not result in harm to the fabric of the building or the appreciation of its significance.

112 It is important that a suitable level of acoustic insulation can be provided to ensure that the introduction of residential units within the building does not compromise or impose constraints on the operation of the studio workspace, in accordance with the Agent of Change principle. The two residential units at ground floor would lie directly above the studio workspace at lower ground floor level with the potential for vertical noise transference, and Unit G.02 would also directly adjoin the studio workspace at ground floor level with the potential for horizontal noise transference. In addition, Unit 1.03 at first floor level would lie directly above the studio workspace at ground floor level. Given the nature of the building's historic fabric, there would clearly be the potential for noise transference in the absence of acoustic insulation measures.

113 The submitted Sound Insulation Investigation Report has considered the potential for noise transference through ceilings and floors, and also flanking noise or structural borne noise where vibrations could allow the transmission of noise via walls. The report identifies that in order to ensure that residents are adequately protected from noise arising from the studio workspace use, the floors that separate the two uses should be designed to achieve an airborne insulation performance 15dB greater than the standard requirements of Building Regulations, which would result in a performance of 58dB DnT,w + Ctr. In addition, it identifies that the party walls at ground floor level which

separate Unit G.02 from the adjoining studio workspace should exceed standard requirements by 10dB, resulting in a performance of 53dB DnT,w + Ctr.

- 114 Taking forward the recommendations of the Sound Insulation Investigation Report, details have been submitted of the proposed works to the concrete floor separating the ground and lower ground floors, and part of the ground and first floors. This involves the installation of a suspended ceiling, which would provide a cavity to be filled with mineral wool insulation to reduce noise transference. Similarly, details have been submitted of the proposed works to the party wall between Unit G.02 and the studio workspace at ground floor. This involves the installation of new linings to the wall, with the cavity again being filled with mineral wool insulation.
- 115 The Sound Insulation Investigation Report concludes that these measures would result in a reduction in noise transmission between the studio workspace and the residential units, and would be expected to sufficiently protect future residents against noise ingress from the studios on site.
- 116 The Council's Environmental Protection team have reviewed the submitted information. It is noted that there is currently a music / recording studio operating within one of the lower ground floor studio spaces within the building. This would lie directly beneath the proposed residential unit G.01. In response to comments from the Council's Environmental Protection team, the applicant's noise consultant has undertaken additional modelling to demonstrate that the proposed insulation measures would be effective in achieving an acceptable noise environment within this unit.
- 117 It must also be recognised that there are a number of conditions on the existing planning consent (DC/08/70133) for the use of the building as studio workspace which relate to issues of noise. Condition 2 attached to this consent states that "No music, amplified sound system or other form of loud noise (such as singing or chanting) shall be used or generated which is audible outside the premises or within adjoining buildings." Condition 1 restricts the hours of use of the premises to between 8am and 11pm on any day. In terms of Condition 2, given the nature of the building's existing fabric, in the event that the music / recording studio is operating without an insulated booth and does not rely solely on electronic recording via the use headphones, then it is unlikely that Condition 2 is being complied with. In terms of Condition 1, this clearly limits the use of the studio workspace outside of the hours of 8am to 11pm.

#### *Summary*

- 118 In the context of the submitted Sound Insulation Investigation Report, and having regard to the conditions which apply to the existing studio workspace use, it is considered that subject to the implementation of the identified sound insulation works, an acceptable internal noise environment would be secured for occupiers of the proposed residential units. A condition is recommended requiring submission of an acoustic compliance report to demonstrate that the sound insulation works have been implemented in accordance with the submitted details and requiring post-implementation testing to demonstrate that suitable internal noise levels would be achieved within the residential units. In addition, the conditions relating to the control of noise associated with the existing studio workspace use are proposed to be re-imposed. Subject to this, it is considered that an acceptable noise environment would be secured for residential occupiers, and that the introduction of residential use within the building would not impose constraints or otherwise threaten the continued operation of the studio workspace that would be retained at ground and lower ground floor levels, having regard to the Agent of Change principle.
- 119 The proposed layout of the development has been revised following submission in response to officer comments, and now affords separation in terms of the means of

access between the residential and studio workspace uses. This is set out in full below under 'Layout'. The purpose of introducing a greater degree of separation is to minimise the potential for conflicts between the two uses, and thereby ensure that the introduction of residential accommodation does not compromise or impose constraints on the future operation of the artist studio space, whilst also ensuring a suitable level of amenity for residential occupiers.

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

#### *Policy*

- 120 LPP 3.8 and DLPP D7 require 10% of residential units to be designed to Building Regulation standard M4(3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users, with the remaining 90% to M4(2) 'accessible and adaptable dwellings'. Part M of the Building Regulations does not however apply to dwellings resulting from a conversion or a change of use.

#### *Discussion*

- 121 The existing building has a complex series of level changes both internally and externally, and its listed status limits the extent to which the building could be adapted to meet the requirements of Part M. The previously refused scheme proposed the insertion of a lift shaft within the building, however this was considered to result in significant harm to the building's fabric and layout.
- 122 In any case, as set out above, Part M of the Building Regulations does not apply to dwellings resulting from a conversion or a change of use, and the Mayor of London's Housing SPG is clear that this requirement only applies to new build housing. This is reflected in DLPP D7 which confirms that the requirements only apply to dwellings which are created via works to which Part M volume 1 of the Building Regulations applies. The accessibility requirements are not therefore applicable in relation to the application proposal.

### ***External space standards***

#### *Policy*

- 123 Standard 4.10.1 of the Mayor's Housing SPG states that 'a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant'.

#### *Discussion*

- 124 Six of the proposed units would be provided with private external amenity space. Three of these would be in the form of roof terraces (with areas of 42.6m<sup>2</sup>, 11.8m<sup>2</sup> and 13.8m<sup>2</sup>) and three would be in the form of balconies (each of 8.0m<sup>2</sup>). This provision would therefore exceed the minimum requirement and afford a good quality provision of private amenity space to these units. Of the remaining three units which would have no private outdoor amenity space (Units G.01, G.02 and 1.02), Units G.02 and 1.02 are sufficiently oversized to compensate for the non-provision of external amenity space. In relation to Unit G.01, this is 4.9sqm oversized which falls marginally short of the 6sqm requirement for private external amenity space. Given the limited extent of this shortfall and recognising that its ground floor location would mean that occupiers of this unit would be able to readily access the communal amenity space located directly adjacent, the proposed provision is considered acceptable.

125 An area of communal amenity space would be provided within the yard area. This would comprise both hard and soft landscaping and given its south facing aspect would provide an attractive space for residents to sit. This space would also be accessible to occupiers of the studio workspace, providing a space to relax or work outdoors. The shared nature of this outdoor area affords a space for residents and occupiers of the studio workspace to meet and interact.

### ***Summary of Residential Quality***

126 It is considered that the proposed development would afford a suitable level of amenity for occupiers of the residential units.

## **7.2.4 Housing conclusion**

127 The proposed change of use would facilitate the creation of nine dwellings, which would make a contribution towards the borough's housing requirement. A suitable mix of unit sizes would be provided in this context which would meet or exceed the defined minimum space standards. The dwellings would provide a suitable level of amenity for future occupiers, and in the context of the proposed sound insulation measures and the design of the scheme, it is not considered that the proposal would compromise the operation of the studio workspace which is to be retained at ground and lower ground floor levels.

## **7.3 URBAN DESIGN AND IMPACT ON HERITAGE ASSETS**

### *General Policy*

128 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The NPPG encourages decision takers to always secure high quality design; this includes being visually attractive and functional, however other issues should be considered:

- local character (including landscape setting)
- safe, connected and efficient streets
- a network of greenspaces (including parks) and public places
- crime prevention (see Section **Error! Reference source not found.**)
- security measures (see Section **Error! Reference source not found.**)
- access and inclusion
- efficient use of natural resources (see Section 7.6)
- cohesive and vibrant neighbourhoods

129 LPP 7.6 requires development to positively contribute to its immediate environs in a coherent manner, using the highest quality materials and design. CSP 15 repeats the necessity to achieve high quality design. DMLP 30 states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. The London Plan, Core Strategy and DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.

### **7.3.1 Appearance and character**

#### *Policy*

130 The NPPF encourages development that is sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (para 127).

### *Discussion*

131 The principal external alterations proposed to the application property are summarised below:

- Removal of existing metal storage containers and temporary structures from the rear yard;
- Removal of external fire escape stairs and landings and replacement with new black painted metal balconies using materials reclaimed from the existing stairs and landings;
- Limited alteration to a number of existing window / door openings, including the reinstating of a number of original window openings;
- Formation of a new gated opening in the southern boundary wall of the rear yard to afford pedestrian access for residents via Napier Close;
- Construction of cycle and refuse stores within rear yard, and hard and soft landscaping to rear yard area;
- Repair of windows, removal of redundant external drainage pipes and fixtures, and removal of mesh security screens over the lower ground floor lightwells to Amersham Vale; and
- Installation of five roof lights in the existing flat roof area at third floor roof level.

132 The proposed external works are considered to be sensitive to the building's character and appearance. The assessment of the proposed works on the significance of this Grade II listed building is set out below under 'Impact on Heritage Assets'.

### ***Layout***

#### *Policy*

133 LPP 7.1(d) states the design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood.

#### *Discussion*

134 Following submission of the application and in response to officer comments, the proposed residential conversion of part of the ground floor and the upper floors of the building has been redesigned to afford a greater degree of separation between the residential accommodation and the retained studio workspace. The purpose of introducing a greater degree of separation is to minimise the potential for conflicts between the two uses, and thereby ensure that the introduction of residential accommodation does not compromise or impose constraints on the future operation of the artist studio space, whilst also ensuring a suitable level of amenity for residential occupiers.

135 The building's main entrance to Amersham Vale would provide the principal means of access to the residential accommodation. All nine of the proposed residential units would be accessed by this principal entrance, via the building's internal circulation space and stairwell. In addition to being capable of being accessed from the residential lobby, Unit G.01 would also have its own independent front door access via the existing external door to Amersham Vale located at the southern corner of the building's front elevation. This reflects the historic arrangement whereby this secondary entrance from Amersham

Vale was designed as the independent entrance to the Police Inspector's living quarters as part of the original design and layout of the police station building. Occupiers of the residential accommodation would be afforded a secondary alternative access by means of a pair of gates which would be introduced in the existing southern boundary wall to Napier Close. These gates would provide access to the communal outdoor amenity space, with a rear entrance door in the building providing a secondary means of access to the ground floor residential lobby. This arrangement would provide a convenient means of access for residents using cycles, passing the cycle store en-route.

- 136 The studio workspace would be accessed via the existing pair of gates in the southern boundary wall to Napier Close. These gates would open in to the rear yard area, from where the ground floor studio workspace would be accessed via an existing doorway in the building's southern elevation, and the lower ground floor studio workspace would be accessed via the two existing points of entry to this space. The studio space to be retained within the existing outbuildings would continue to be accessed as at present directly via the yard area. The rear yard area would provide access to the studio workspace for servicing and deliveries, and serve as a flexible outdoor area which could be used by occupiers of the studio workspace for any works which require outdoor working.
- 137 The proposed layout would afford a suitable degree of separation in terms of the means of access to residential accommodation and the studio workspace, which would serve to minimise the potential for conflicts between the two uses. Occupiers of the studio workspace could come and go via the rear yard space, without causing disturbance to the occupiers of the residential units. Residential and creative workspace can successfully co-exist within the same building, and it is considered that the proposed layout would allow for this to be achieved without serving to compromise or impose constraints on the future operation of the artist studio space.

### ***Detailing and Materials***

#### *Policy*

- 138 Attention to detail is a necessary component for high quality design. LPP 7.6 expects the highest quality materials and design appropriate to context. This is particularly important in the context of works to listed buildings.

#### *Discussion*

- 139 The detailing and treatment of the proposed external alterations have been refined during the course of the application's consideration in response to the comments of the Council's conservation officer. The assessment of the proposed works on the significance of this Grade II listed building is set out below under 'Impact on Heritage Assets'.

### **7.3.2 Impact on Heritage Assets**

#### *Policy*

- 140 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 listed building or its setting or any features of special architectural or historic interest which it possesses.
- 141 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.

142 LPP 7.8 states that development should among other things conserve and incorporate heritage assets where appropriate. Where it would affect heritage assets, development should be sympathetic to their form, scale, materials and architectural details. DLPP HC1 reflects adopted policy.

143 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.

144 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.

#### *Discussion*

145 In addition to the principal external alterations summarised about under 'Appearance and Character', listed building consent is sought for works comprising a series of internal alterations, including:

- Installation of suspended ceiling at lower ground floor level and ground floor level, and works to introduce internal party wall insulation at ground floor level to afford additional acoustic insulation to the retained studio workspace (as discussed above under 'Housing – Noise & Disturbance') together with works to afford fire separation in accordance with Building Regulation requirements;
- Creation of a number of additional door openings within internal walls, some of which involve the reinstatement of original door openings, together with the installation of wooden doors to these new openings;
- Blocking up of a number of existing door openings within internal walls, some of which involve the blocking up of non-original openings;
- Removal of a number of existing internal room partitions and doorways, the majority of which are non-original;
- Installation of a metal gate to the stairwell at lower ground floor level to prevent internal circulation between the communal areas serving the residential accommodation and the studio workspace;
- Removal of a number of existing non-original internal fixtures and fittings, including built in cupboards, toilet and kitchen fittings; and
- Conservative repair and refurbishment to internal fittings including tiled stairwell, internal joinery, doors and woodwork, together with the introduction of new skirtings, architraves and cornices where these have been removed / are absent.

146 The significance of the Grade II listed former Police Station is considered to lie in its external envelope and elevations; internal plan form and fittings, particularly in the front hall and staircase, but including doors, skirtings, and flooring elsewhere in the building); and the cell block at lower ground and ground floor levels (where the cell doors, beds and high level windows are of particular significance). The former Drill Yard (the rear yard area) also contributes to the setting of the listed building and is key to understanding the original function of the building. The appeal decision relating to the previously refused applications states in relation to the former Drill Yard that "its open

nature and freedom from permanent structures means that the rear area makes a positive contribution to the significance of the building”.

- 147 In terms of the proposed external alterations, these are considered to have a neutral impact on the building’s significance. The removal of the existing metal storage containers and temporary structures from the rear yard would represent an enhancement to the setting of the building and the appreciation of its original form and extent of the former Drill Yard. Whilst this would be partially offset by the introduction of new cycle and refuse stores within the rear yard, these would be located around the boundary wall and their reduced scale in comparison to the existing structures should result in an overall net benefit. The installation of five roof lights in the flat roof area at third floor level would not be visible from the public realm due to their elevation and positioning. The formation of an additional opening in the southern boundary wall to Napier Close would result in a limited degree of harm, however the existing double entrance gates would remain and this secondary entrance would be read as subordinate to this. The removal of the external fire escapes and landings would result in the greatest visual impact when viewed from the public realm, however new metal balconies would be installed which broadly reflect the location of these existing escape stairways and landings, and these would utilise metal from these existing features.
- 148 In terms of the proposed internal alterations, the works are considered to be the minimum necessary in order to facilitate the proposed change of use. Notably, the significance of the cell block at lower ground and ground floor levels would not be impacted by the proposed development, as with the exception of a small incursion at ground floor level, the residential conversion does not extend to these parts of the building. The internal alterations to the layout would be sensitive to the original form and layout, and in some cases would improve the appreciation of the building’s original form, where original doorways are to be reinstated and later internal partitions removed.
- 149 The applicant sought pre-application advice from the Council, and the Council’s conservation officer provided advice on the emerging scheme at that stage. The detailed design and scope of proposed works has also been revised on several occasions during the course of the application’s consideration in order to address and respond to the comments of the Council’s conservation officer. The Council’s conservation officer considers that the scheme is generally sensitive to the listed building plan form, with minimal alterations to the internal layout proposed. Overall the Council’s conservation officer considers that the proposed development would result in minimal harm to the listed building, subject to the imposition of a number of conditions requiring submission of details of various elements of the proposed works.

#### *Summary*

- 150 Officers consider that the proposed works would result in less than substantial harm to the listed building as a heritage asset. It is recognised that the proposed works would in some cases improve the appreciation of the building’s original form and significance, most notably through the removal of later internal partitions, fixtures and fittings, and the removal of the metal storage containers and temporary structures within the former Drill Yard. There are wider public benefits associated with the proposed development, including the creation of additional dwellings which would make a contribution towards the borough’s housing requirement, together with securing a use for the listed building which should secure its ongoing maintenance and repair in the longer term. Given the minimal level of harm that would result from the proposed works, it is considered that the public benefits outweigh this harm
- 151 Officers, 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, are satisfied

the proposal would preserve the listed building and its setting. The public benefits are considered to outweigh the harm to the listed building that would result from the proposed works.

### **7.3.3 Urban design conclusion**

- 152 The proposed external works are considered to be sensitive to the building's character and appearance. The works would result in less than substantial harm to the listed building as a heritage asset and the public benefits are considered to outweigh the harm to the listed building that would result from the works.

## **7.4 TRANSPORT IMPACT**

### *General policy*

- 153 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para 102. 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.
- 154 Para 109 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".
- 155 Regionally, the Mayor's Transport Strategy ('the MTS', GLA, March 2018) sets out the vision for London to become a city where walking, cycling and green public transport become the most appealing and practical choices. The MTS recognises links between car dependency and public health concerns.
- 156 The Core Strategy, at Objective 9 and CSP14, reflects the national and regional priorities.

### *Discussion*

- 157 The application site benefits from good accessibility to public transport. The majority of the site has a PTAL of 5, which reduces to a PTAL of 4 on a small part of the rear yard area. It lies approximately 200m from New Cross rail station, with an extensive network of bus routes through the surrounding area. A Transport Statement and Travel Plan have been submitted as part of the application submission.
- 158 The proposed development would be car-free. Given the site's public transport accessibility this is considered to be appropriate. In terms of on-street parking, whilst the parking spaces within Napier Close are privately managed for residents of the Adolphus Estate, Amersham Vale provides unrestricted on-street parking which could be utilised by visitors or for deliveries and servicing.
- 159 The submitted plans identify that two cycle stores would be sited within the shared amenity space to the rear of the building, comprising 24 cycle parking spaces for residents, and cycle parking provision for occupiers of the studio workspace.
- 160 The Intend to Publish London Plan minimum requirement is for 16 long-stay cycle parking spaces and 2 short-stay visitor spaces to serve the residential accommodation, and 8 long-stay spaces and 2 short-stay visitor spaces to serve the retained artist studio space. The proposed level of provision would meet this requirement.

- 161 Recognising that the curtilage of the property is fully enclosed by the existing secure boundary treatment, the delivery of the four short-stay visitor spaces within the public highway around the site would be secured by legal agreement. Details of the on-site cycle parking facilities would be secured by condition to ensure that they accord with the London Cycling Design Standards.
- 162 The submitted plans also identify dedicated refuse storage facilities within the shared amenity space to the rear of the building, with separate facilities for the residential accommodation and the studio workspace. Waste servicing would be via Napier Close, and the refuse stores would be readily accessible for servicing in this context. Details of the refuse store facilities would be secured by condition to ensure that the required capacities would be provided. Submission of a Delivery and Servicing Plan would be secured by condition to demonstrate satisfactory arrangements for servicing the development.
- 163 The submitted Travel Plan identifies a range of measures aimed at promoting sustainable travel to the site. Implementation and monitoring of a Travel Plan would be secured by condition.
- 164 TfL were consulted and confirmed that they have no comments to make on the application.

#### **7.4.1 Transport impact conclusion**

- 165 The proposed development would be car-free, which is appropriate given the site's high level of public transport accessibility. Provision would be made for cycle parking in accordance with the emerging London Plan minimum requirement. Subject to the imposition of relevant conditions, and securing the provision of four short-stay visitor spaces within the public highway around the site, the transport impacts of the proposed development would be effectively mitigated.

## **7.5 LIVING CONDITIONS OF NEIGHBOURS**

### *General Policy*

- 166 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. At para 180 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.
- 167 This is reflected in relevant policies of the London Plan (LP7.6), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).
- 168 LPP 7.6(b)(d) requires new development to avoid causing 'unacceptable harm' to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing.
- 169 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.
- 170 Further guidance is given in Housing SPG 2017, GLA; Residential Standards SPD 2012, LBL. The Council has published the Alterations and Extensions SPD (2019) which establishes generally acceptable standards relating to these matters (see below),

although site context will mean these standards could be tightened or relaxed accordingly.

#### *Discussion*

- 171 The application proposal is for a change of use of part of the existing building. As detailed above, external alterations would be limited in the context of the building's listed status and there would be no new build element. The proposal would involve alterations to a number of existing window openings (including the enlargement of some openings, and their replacement with doors), and would involve the removal of the existing fire escape stairways to the rear of the building and the introduction of balconies and roof terraces to serve the proposed residential units. In this context, the impact of the proposed development on the living conditions of neighbours will necessarily be limited given that the proposal relates to a change of use and that limited external alterations are proposed.
- 172 In terms of neighbouring properties, to the north of the application site is the replacement police station building, which currently has an office function following the closure of the station's front desk. The north elevation of the application building's rear outrigger element overlooks the rear yard area of the replacement police station and no conflicts of amenity would result in this context. To the north east of the application site are residential properties within the two storey Brunel House, and beyond this is a terrace of two storey properties fronting Warwickshire Path. To the east of the application site, there is a terrace of two storey properties on Napier Close which face the rear yard area, separated from the site by Napier Close and its designated parking bays. To the south of the site, there is the two storey John Penn House which provides supported living accommodation (see Figure 1 – Site Location Plan).

#### **7.5.1 Enclosure and Outlook**

- 173 As no new build elements are proposed, the application proposal would not result in any impact on enclosure or outlook for neighbouring properties.

#### **7.5.2 Privacy**

##### *Policy*

- 174 Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.

##### *Discussion*

- 175 The only direct facing relationships exist between i) the windows in the east elevation of the application building's rear outrigger and the windows in the front elevation of the facing properties on Napier Close, where there is a separation distance of approximately 34m, and ii) the windows in the south elevation of the application building's rear outrigger and the windows in the facing elevation of John Penn House, where there is a separation distance of approximately 23m. Where window openings are being enlarged, there is an existing source of outlook from these windows or from other existing windows on these elevations, and as such this would not result in any greater level of overlooking for neighbouring properties.
- 176 The application proposal would involve the introduction of a number of balconies and roof terraces on the building's north and east elevations. A roof terrace would be introduced on the north elevation of the rear outrigger at first floor level. This would be sited at a distance of approximately 22m from the nearest residential garden (no. 77 Warwickshire Path) and given this distance and in the context of the intervening series of

outbuildings, it is not considered that the introduction of this roof terrace would result in any unacceptable level of overlooking. Two further roof terraces would be introduced at second floor, however these would be set back in relation to the first floor terrace and as such the separation distance would be increased. Balconies would be introduced on the building's east elevation at first, second and third floor levels however a separation distance of approximately 48m would be maintained between these and the windows in the facing front elevation of properties on Napier Close, with an offset relationship to the windows in the elevation of John Penn House to the south where a distance of approximately 16m would be maintained.

#### *Summary*

177 As such, it is not considered that the application proposal would result in any unacceptable loss of privacy for neighbouring properties.

### **7.5.3 Daylight and Sunlight**

178 Again, as no new build elements are proposed, the application proposal would not result in any impact on daylight and sunlight for neighbouring properties.

### **7.5.4 Noise and disturbance**

179 The change of use of part of the application property from studio workspace to residential accommodation would not result in any significant noise impact for surrounding properties. The assessment of impact arising from any potential for noise transference between the studio workspace and the residential units is discussed above under 'Housing – Noise and Disturbance'.

### **7.5.5 Impact on neighbours conclusion**

180 As such, it is not considered that the application proposal would result in any unacceptable impacts for neighbouring properties.

## **7.6 SUSTAINABLE DEVELOPMENT**

#### *General Policy*

181 NPPF para 148 sets an expectation that planning will support transition to a low carbon future. This is reflected in relevant policies of the London Plan and the Local Plan. CS Objective 5 sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DMP 22 support this.

### **7.6.1 Energy and carbon emissions reduction**

#### *Policy*

182 CSP 8 seeks to minimise the carbon dioxide (CO<sub>2</sub>) emissions of all new development and encourages sustainable design and construction to meet the highest feasible environmental standards. DMP 22 requires all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling using the published hierarchy.

#### *Discussion*

183 The application is accompanied by a Sustainability Statement (Proun Architects, March 2019). This identifies that energy saving measures will be provided to achieve the equivalent of Code for Sustainable Homes Level 4, and sets out the design principles

which have been adopted to reduce energy consumption and CO2 emissions using passive design and energy. These include maximising natural light and ventilation to the residential units, achieving a Dwelling Emission Rate to meet the targets set out in Building Regulations, use of energy efficient lighting, and using energy efficient white goods.

## **7.6.2 Overheating**

### *Policy*

- 184 LP5.9 states that proposals should reduce potential overheating beyond Part L 2013 of the Building Regulations reduce and reliance on air conditioning systems and demonstrate this in accordance with the Mayor's cooling hierarchy. Draft LPP S114 echoes this.

### *Discussion*

- 185 As set out above, seven of the units would be dual or triple aspect affording good opportunity for cross-ventilation. No mechanical ventilation is proposed, with natural ventilation providing the means of mitigating overheating. It is not considered proportionate to require an overheating analysis given the scale of the proposed conversion, which falls below the threshold for a major development. Recognising that this is a conversion and given the listed status of the building, there is limited scope for intervention to address issues of potential overheating in terms of the building fabric or fenestration, and as such it is considered that on balance the proposed development is not unacceptable in this regard.

## **7.6.3 Urban Greening**

### *Policy*

- 186 LPP 5.10 requires development to contribute to urban greening, including tree planting, green roofs and walls and soft landscaping, recognising the benefits it can bring to mitigating the effects of climate change. 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.
- 187 The Urban Greening Factor set out within the Intend to Publish London Plan is only applied to major applications currently, and the application proposal falls below this threshold.

### *Discussion*

- 188 The application proposal would make a positive contribution to urban greening. The property's rear yard area currently comprises entirely of hardstanding with a series of outbuildings and shipping containers. The proposed development would involve the conversion of this yard area to a shared outdoor amenity space serving the residential units and the occupiers of the studio workspace. The submitted landscaping plan demonstrates that this would include the provision of areas of grass and soft landscaping. In addition, areas of green roof are proposed on part of the single storey element of the building's rear outrigger, and on the cycle and refuse stores. The proposed roof terraces would also provide the potential for additional greening, subject to their use and planting by future occupiers.
- 189 Recognising that the application proposal involves the partial change of use of an existing building, that no new build elements are proposed (with the exception of the cycle and refuse stores), and recognising that the listed status of the property

necessarily imposes constraints on the extent of alterations, it is considered that the application proposal makes a proportionate contribution to urban greening and would clearly deliver a net gain in this regard

#### **7.6.4 Flood Risk**

##### *Policy*

- 190 NPPF para 155 expects inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Para 163 states development should only be allowed in areas at risk of flooding where mitigation measure can be included.
- 191 LPP 5.12 requires the mitigation of flooding, or in the case of managed flooding, the stability of buildings, the protection of essential utilities and the quick recovery from flooding. LPP 7.13 expects development to contribute to safety, security and resilience to emergency, including flooding.
- 192 DLPP SI12 expects development proposals to ensure that flood risk is minimised and mitigated.
- 193 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.

##### ***Tidal and fluvial flood risk***

- 194 A Flood Risk Assessment has been submitted alongside the planning application submission. The application site lies within Flood Zone 3, associated with the risk of tidal flooding from the River Thames. The site is however protected by the River Thames tidal flood defences up to a 1 in 1,000 (0.1%) flood event, and the Environment Agency's most recent flood modelling indicates that the site would not be at risk if there was to be a breach in the defences.
- 195 Where the previous application proposal involved the full conversion of the building to residential use involving the creation of residential dwellings at basement level (classified as a 'highly vulnerable' use under the flood risk vulnerability classification set out within the NPPG), the current application proposal retains the existing studio workspace at basement level (classified as a 'less vulnerable' use under the flood risk vulnerability classification). Residential accommodation would only be introduced at ground floor level and above, and the building's ground floor level is significantly raised in relation to the surrounding ground level.
- 196 In its response, the Environment Agency raises no objection to the proposed development. The response confirms that whilst the site lies within Flood Zone 3, it is protected by the River Thames tidal flood defences up to a 1 in 1000 (0.1%) flood event, and their most up to date flood modelling shows that the site would not be at risk if there was to be a breach in the defences. In terms of tidal and/or fluvial flood risk, the development is therefore considered to be at low risk of flooding.

##### ***Surface water flood risk***

- 197 The application site currently comprises exclusively of impermeable surfaces, in terms of the former police station building and its range of outbuildings, and the rear yard area which comprises hardstanding. There are no records of surface water flooding at the site.

198 The application proposal would involve the introduction of additional permeable surfaces through the soft landscaping of part of the rear yard area. In addition, a range of sustainable urban drainage systems (SuDS) measures are proposed including the provision of areas of green roof, permeable block paving, and the provision of grassed areas set at a lower level than the surrounding land to act as a rain garden. The submitted information identifies that the effect of these measures would be to reduce the rate and volume of run-off from this area compared to the existing situation.

199 In this context and recognising that the application proposal represents a change of use and would not involve the construction of new buildings on the site

#### ***Ground water flood risk***

200 The Lewisham SFRA identifies that the closest records of groundwater flooding were approximately 1km south west of the application site. The application proposal relates to a change of use of part of the ground floor and the upper floors, and the lower ground floor would be retained in its entirety as studio workspace as per the existing situation. The proposed development would not increase the built footprint on the site or alter the foundations or below ground structures, and therefore it is considered that the groundwater risk would remain the same as exiting, and the proposed development will not increase ground water flood risk.

### **7.6.5 Sustainable Urban Drainage**

#### *Policy*

201 LPP 5.13 requires SUDS unless there are practical reasons for not doing so. In addition, development should aim to achieve greenfield run-off rates and ensure surface water is managed in accordance with the policy's drainage hierarchy.

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

203 CSP 10 requires applicants to 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*

204 The Council's Flood Risk and Drainage Team in their role as Lead Local Flood Authority (LLFA) have requested the submission of additional information in terms of submission of a Surface Water Drainage Strategy which demonstrates that the detailed calculations are in compliance with the Non-Statutory Technical Standards for Sustainable Drainage System S7 to S9. The information should show that there will be no flooding on site for the 1 in 30 year event and no flooding to buildings for the 1 in 100 year (plus 40% climate change) event with the incorporation of the proposed drainage network, such as (MicroDrainage or similar) calculations. In addition, they have identified that a site-specific maintenance plan should be secured by condition which includes all of the proposed drainage features including SuDS, which specifies the appropriate actions and frequencies of maintaining the components and also states the responsible owner who will manage the scheme for the lifetime of the development.

#### *Summary*

205 Subject to securing these measures via condition, and recognising that the scheme represents a change of use and would clearly result in betterment of the existing situation given the incorporation of SuDS features within the rear yard are, it is

considered that the proposed development would be acceptable in terms of flood risk and drainage.

#### **7.6.6 Sustainable Development conclusion**

206 It is not considered that there would be any unacceptable impacts in terms of sustainable development.

### **7.7 NATURAL ENVIRONMENT**

#### *General Policy*

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

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

209 The NPPF at para 180 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.

#### **7.7.1 Ecology and biodiversity**

##### *Policy*

210 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 175 sets out principles which LPAs should apply when determining applications in respect of biodiversity.

211 LPP 7.19 seeks wherever possible to ensure that development makes a positive contribution to the protection, enhancement, creation and management of biodiversity.

212 CSP 12 seeks to preserve or enhance local biodiversity.

213 DMP 24 requires 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*

214 The application site currently affords very limited potential for biodiversity, being occupied by buildings and hardstanding. The proposed development would create additional opportunities for biodiversity through the introduction of living roof areas and areas of soft landscaping. As such, the proposal can be expected to result in a net gain in biodiversity terms as per the guidance set out within the NPPF.

#### **7.7.2 Ground pollution**

##### *Policy*

215 Failing to deal adequately with contamination could cause harm to human health, property and the wider environment (NPPG, 2014). 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 soil pollution. Development should help to improve local environmental conditions.

- 216 The NPPF states decisions should contribute to and enhance the natural and local environment by remediating and mitigating contaminated land, where appropriate (para 170). Further, the NPPF at para 178 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.

*Discussion*

- 217 The application proposal does not involve the erection of any new buildings, or any excavation of the existing lower ground floor of the building. Residential uses would be introduced at ground floor level and above, with the lower ground floor remaining in use as studio workspace as per the existing situation. There would be some works externally associated with taking up the hardstanding within the rear yard area to introduce the rain garden, soft landscaping and permeable paving, and associated with the construction of the cycle and refuse stores. However these works are likely to be confined to the surface layer.
- 218 The Environment Agency has requested a condition requiring that if any unforeseen contamination is encountered during development, no further development shall be carried out until a remediation strategy has been submitted for approval and works carried out in accordance with the agreed strategy. Subject to the imposition of this condition, it is considered that there would be no unacceptable risk in terms of ground pollution.

### **7.7.3 Air pollution**

*Policy*

- 219 NPPF 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 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.
- 220 LPP 7.14 states new development amongst other requirements must endeavour to maintain the best ambient air quality (air quality neutral) and not cause new exceedances of legal air quality standards. DLPP SI1 echoes this.
- 221 CSP 7 reflects the London Plan. CSP 9 seeks to improve local air quality. DMP 23 sets out the required information to support application that might be affected by, or affect, air quality.

*Discussion*

- 222 The proposed development would be car free. As a minor residential development comprising just nine dwellings, it is not considered that the residential use would generate any significant increase in vehicle movements in terms of deliveries and servicing compared to the existing studio workspace use. Whilst there would be a limited increase in vehicle movements during construction works, given that the works are limited to internal alterations and fit-out with limited external alterations and no new build

elements, it is not considered that the associated movements would result in a negligible impact in terms of local air quality.

223 It is also necessary to consider the impact of introducing residential units (as sensitive receptors) within this area having regard to existing air quality. The application site lies within a predominantly residential area, surrounded by residential properties. Whilst the site lies within the wider Air Quality Management Area, it is not located adjacent to significant sources of emissions and as such it is not considered that the introduction of residential dwellings in this location would require any form of mitigation such as mechanical ventilation to the residential units.

#### **7.7.4 Noise pollution**

224 The assessment of impact arising from any potential for noise transference between the studio workspace and the residential units is discussed above under 'Housing – Noise and Disturbance'. The Agent of Change principle is also discussed in this context. The introduction of residential units into an area comprising predominantly of residential uses would not result in any issues of noise pollution.

#### **7.7.5 Natural Environment conclusion**

225 It is not considered that there would be any unacceptable impacts in terms of the natural environment, and the proposal can be expected to result in a net gain in biodiversity in the context of the additional vegetation and habitat that would be introduced within the site.

## **8 LOCAL FINANCE CONSIDERATIONS**

226 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).

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

228 The CIL is therefore a material consideration.

229 As the proposed development involves the creation of new dwellings, it would be CIL liable. However, given that this would be achieved via a change of use of existing floorspace and there would be no additional floorspace created / extension of the existing building, it would be zero rated in terms of CIL, meaning that in terms of both Lewisham CIL and MCIL there would be a nil chargeable amount.

## **9 EQUALITIES CONSIDERATIONS**

230 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.

231 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.

232 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.

233 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/services-public-functions-and-associations-statutory-code-practice>

<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

234 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

235 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>

236 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

237 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

238 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.

239 Members need to satisfy themselves that the potential adverse 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.

240 This application has the legitimate aim of realising a change of use of the existing building, to create new residential units together with the partial retention of existing studio workspace. The rights potentially engaged by this application, including Article 8 and Protocol 1, Article 1 are not considered to be unlawfully interfered with by this proposal.

## 11 LEGAL AGREEMENT

241 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 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

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

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

- **Contribution to training and local employment**

Financial contribution of £281,963, payable prior to first occupation of any residential unit

- **Provision of visitor cycle spaces**

Enter into a s278 agreement with the Council as Highway Authority to secure the provision of four cycle parking spaces within the public realm at Napier Close

- **Monitoring fee**

£2,250 payable upon commencement

244 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).

## **12 CONCLUSION**

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

246 In terms of the principle of the development, the loss of the existing creative workspace is regrettable, however, as set out above, in the context of the existing policies within the adopted development plan and the conclusions of the Planning Inspector in relation to the previous appeal decision, it is not considered that the policy basis exists to resist the loss of this existing use. The applicant has confirmed agreement to enter into a legal agreement to secure a financial contribution of £281,963 towards training and/or local employment schemes, in accordance with the requirements of DMP 11 associated with the loss of employment floorspace.

247 The application proposal would deliver nine dwellings which would make a contribution to the borough's housing requirement. In addition, studio workspace would be retained at lower ground and ground floor levels to enable the retention of some of the existing creative uses within the building. The scheme has been revised in response to officer requests in order to ensure that both proposed uses could successfully co-exist within the building as a mixed use development, to ensure that the introduction of residential use within the building would not compromise the future operation of the studio workspace which is to be retained.

248 The proposed works associated with the partial conversion of the building are considered to be sensitive to the Grade II listed status of the building. The Council's conservation officer considers that the proposed development would result in minimal harm to the listed building, subject to the imposition of a number of conditions requiring submission of details of various elements of the proposed works. The proposed works would result in less than substantial harm to the listed building as a heritage asset and would in some cases improve the appreciation of the building's original form and significance, most notably through the removal of later internal partitions, fixtures and fittings, and the removal of the metal storage containers and temporary structures within the former Drill Yard. 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 that the proposal would preserve the listed building and its setting, and the

public benefits are considered to outweigh the harm that would result from the proposed works.

249 The application proposal would secure a suitable level of amenity for future residents, and has sought to address the reasons for refusal in this regard in relation to the previously refused application. The application proposal would not result in any unacceptable impacts in terms of sustainable development and the natural environment.

250 Subject to the imposition of conditions and the securing of relevant planning obligations, including financial contributions, the development is judged acceptable and in accordance with the Development Plan.

## **13 RECOMMENDATION A**

251 That the Committee resolve to **GRANT** planning permission subject to a S106 Legal Agreement and to the conditions and informatives set out below under 'Planning Application (DC/19/111720)', and authorise officers to negotiate and complete a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the principal matters set out in Section 11 of this report, including such other amendments as considered appropriate to ensure the acceptable implementation of the development.

252 Subject to completion of a satisfactory legal agreement, authorise the Head of Planning to **GRANT** planning permission subject to conditions, including those set out below and with such amendments as are considered appropriate to ensure the acceptable implementation of the development.

## **14 RECOMMENDATION B**

253 That the Committee resolve to **GRANT** listed building consent subject to the conditions and informatives set out below under 'Listed Building Consent Application (DC/19/111939)'.

### **14.1 FULL PLANNING APPLICATION (DC/19/111720)**

#### **14.1.1 CONDITIONS**

##### **1) FULL PLANNING PERMISSION TIME LIMIT**

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

##### **2) DEVELOP IN ACCORDANCE WITH APPROVED DRAWINGS AND DOCUMENTS**

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

2921/L/01; 2921/L/02; 2921/P/101; 2921/P/103; 2921/P/104; 2921/P/105; 2921/P/106; 2921/P/107; 2921/P/108; 2921/P/109; 2921/P/110; 2921/P/111

(received 3 April 2019)

2921/P/113 Rev A; 2921/P/115 Rev A; 2921/P/116 Rev A; 2921/P/117 Rev A; 2921/P/118 Rev A; 2921/P/119 Rev A; 2921/P/121 Rev A; 2921/P/123 Rev A (received 25 July 2019)

2921/P/124 Rev B; 2921/P/125 Rev C; 2921/P/126 Rev B; 2921/P/127 Rev B; 2921/P/128 Rev A; 2921/P/129 Rev A; 2921/P/130 Rev A; 2921/P/131 Rev A; 2921/P/151; 2921/P/152; 2921/P/153; 2921/P/154; 2921/P/155; 2921/P/162; 2921/P/163; 2921/P/164; 2921/P/165; 2921/P/166; Outline Specification of Internal Works; 2921/Roomdatasheets01 Rev A (received 9 September 2019)

2921/P/193; 2921/P/195 (received 17 September 2019)

2921/P/102 Rev A; 2921/P/114 Rev B (received 19 December 2019)

2921/P/122 Rev E; 2921/P/141 Rev B; 2921/P/191 Rev B; 2921/P/192 Rev A; 2921/P/196; 2921/P/197 (received 5 February 2020)

2921/P/161 (received 7 February 2020)

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) **SURFACE WATER MANAGEMENT**

- (a) No development within the rear yard area shall commence until a Surface Water Drainage Strategy and site-specific maintenance plan has been submitted to and approved in writing by the local planning authority.
- (b) The Surface Water Drainage Strategy shall include specifications of the surface treatments and sustainable urban drainage solutions, demonstrate that the detailed calculations are in compliance with the Non-Statutory Technical Standards for Sustainable Drainage System S7 to S9, and demonstrate via calculations that the site will not be at risk of flooding for the 1 in 30 year event and there will be no flooding to buildings for the 1 in 100 year (plus 40% climate change) event with the incorporation of the proposed drainage network. The site-specific maintenance plan which includes all of the proposed drainage features, and specifies the appropriate actions and frequencies for maintaining the components and states the responsible owner who will manage the scheme for the lifetime of the development.
- (c) The development shall be carried out in accordance with the approved strategy and thereafter the approved scheme is to be retained and maintained in accordance with the approved strategy and maintenance plan.

Reason: To prevent the risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage in the London Plan (March 2016) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10: Managing and reducing the risk of flooding (2011).

### 4) **STAIRWELL METHOD STATEMENT**

No internal works within the building shall be carried out until a method statement detailing the approach to tile cleaning, repair and replacement of tiles within the building's principal internal stairwell has been submitted to and approved in writing by the local planning authority. The method statement shall be accompanied by samples where relevant to demonstrate the approach to cleaning, repair and replacement of tiles. The works shall be implemented in full accordance with the approved method statement.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

**5) SERVICE RISER DETAILS**

No internal works within the building shall be carried out until details of the proposed service riser have been submitted to and approved in writing by the local planning authority. The works shall be implemented in full accordance with the approved details.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

**6) BOUNDARY WALL METHOD STATEMENT**

No works to the boundary wall to the former Drill Yard shall be carried out until a method statement detailing the approach to any works of cleaning, repair or alteration of the boundary wall has been submitted to and approved in writing by the local planning authority. The works shall be implemented in full accordance with the approved method statement.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

**7) DOOR SCHEDULE**

No internal works within the building shall be carried out until a door schedule has been submitted to and approved in writing by the local planning authority. The door schedule shall comprise a numbered schedule (cross referenced to the approved plans and room data sheets) to identify a) existing historic doors; b) locations for re-use of removed historic doors; and c) details of proposed new doors. For the avoidance of doubt, this schedule shall relate to all external and internal doors. The works shall be implemented in full accordance with the approved schedule.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

8) **DETAILS OF METAL RAILING TO STAIRWELL**

No internal works within the building shall be carried out until details of the proposed full height metal railing to be installed at lower ground floor level within the building's principal internal stairwell as shown on approved drawing 2921/P/121 Rev A have been submitted to and approved in writing by the local planning authority. These details shall include the form, materials and method of fixing of the gate. The works shall be implemented in full accordance with the approved details.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

9) **SOUND INSULATION SCHEME AND ACOUSTIC COMPLIANCE REPORT**

No occupation of any residential unit shall occur until an acoustic compliance report has been submitted to and approved in writing by the local planning authority. The acoustic compliance report shall confirm that all recommended sound insulation measures set out within the Sound Insulation Investigation Report (KP Acoustics, Report 19600.SI.01, dated 12/08/2019) and shown on drawings 2921/P/191 Rev B, 2921/P/196 and 2921/P/197 have been implemented in their entirety and that sound testing of the implemented works has been undertaken to demonstrate that with the studio workspace in use, the residential units will achieve levels not exceeding 30dB LAeq (night) and 45dB L<sub>Amax</sub> (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

10) **DELIVERY, SERVICING AND PARKING MANAGEMENT STRATEGY**

- a) The development shall not be occupied until a Delivery, Servicing and Parking Management Strategy has been submitted to and approved in writing by the local planning authority.
- b) The document 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. It shall also set out how the rear yard area will be managed for the purposes of deliveries and servicing, and how this will be enforced to prevent the use of this space for informal parking.
- c) The approved Delivery, Servicing and Parking Management Strategy 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 14 Sustainable movement and transport of the Core Strategy (June 2011).

## 11) TRAVEL PLAN

- a) No part of the development hereby approved shall be occupied until such time as a user's Travel Plan, 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).

## 12) REFUSE STORAGE FACILITIES

- a) Prior to first occupation of the development, details of proposals for the storage of refuse and recycling facilities for the residential and studio workspace accommodation shall be submitted to and approved in writing by the local planning authority.
- b) The facilities as 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 character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

## 13) CYCLE STORAGE FACILITIES

- a) Prior to first occupation of the development, full details of the cycle parking facilities for the residential and studio workspace accommodation 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 occupation of the development and maintained thereafter.

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

## 14) LANDSCAPING

- a) A landscaping scheme (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) 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 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).

#### 15) **BIODIVERSE ROOF**

- a) The development shall be constructed with areas of biodiverse living roof laid out in accordance with plan no. 2921/P/141 Rev B hereby approved and maintained as such thereafter. The areas of biodiverse living roof shall use a low nutrient substrate base and have a mosaic of different substrate depths between 80-150mm with peaks and troughs (but averaging at least 133mm) and shall be seeded and plug planted with native wildflower species and include other materials to vary the microhabitat characteristics of the locality.
- b) The living roof areas shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2015), Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

#### 16) **AMENITY SPACE**

The communal garden within the rear yard as shown on drawing no. 2921/P/122 Rev E hereby approved shall be retained permanently as a shared space for the benefit of the occupiers of the residential units hereby permitted and the occupiers of the studio workspace.

Reason: In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy 15 High quality

design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing Design, layout and space standards of the Development Management Local Plan (November 2014).

**17) HOURS OF USE – STUDIO WORKSPACE**

The studio workspace premises shall not be used after the hours of 11.00pm and before 8.00am on any day.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 120 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).

**18) AMPLIFIED MUSIC / SOUND**

No music, amplified sound system or other form of loud noise (such as singing or chanting) shall be used or generated within the studio workspace which is audible outside the premises or within adjoining buildings.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 120 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).

**19) RETAINED ARTIST STUDIO WORKSPACE**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the retained studio workspace at lower ground and ground floor levels as shown on approved drawings 2921/P/121 Rev A and 2921/P/122 Rev E shall be retained for use as studio workspace and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: To ensure that any future use of this floorspace does not result in an unacceptable adverse impact on the amenity of the residential units hereby approved in accordance with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

**20) CONTAMINATION**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt

with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the local planning authority prior to occupation.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site, and to ensure that the local planning authority may be satisfied that any potential site contamination is identified and remedied to comply with the National Planning Policy Framework (Paragraph 170) and DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

**21) SECONDARY GLAZING**

No works to install secondary glazing to any of the window openings within the building shall be carried out without the prior written approval of the local planning authority.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

**22) CLEANING OF EXTERNAL BRICKWORK**

No works to clean the external brickwork shall be undertaken, other than low pressure (20-100 psi) surface cleaning using a nebulous water spray, without the prior written approval of the local planning authority. Before relevant work begins, any other cleaning proposals must be approved in writing and carried out strictly in accordance with those details.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

**23) EXTERNAL BRICKWORK, JOINERY AND MATERIALS**

All new external brickwork, joinery and other external materials shall match those of the existing building in material, appearance and proportion.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

**24) INTERNAL JOINERY AND DETAILING**

All new skirtings, architraves and cornices shall match the existing at the same floor level and part of building.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the

Development Management Local Plan (November 2014).

## **14.1.2 INFORMATIVES**

- 1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- 2) You are advised that the approved development is subject to a Section 106 agreement. Please ensure that the obligations under the Section 106 agreement are addressed in accordance with the details and timeframes set out in the agreement. If you have any questions regarding the agreement or how to make a payment or submission required under the agreement, please contact the S106/CIL team on [CIL@lewisham.gov.uk](mailto:CIL@lewisham.gov.uk).

## **14.2 LISTED BUILDING CONSENT APPLICATION (DC/19/111939)**

### **14.2.1 CONDITIONS**

#### **1) LISTED BUILDING CONSENT 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) DEVELOP IN ACCORDANCE WITH APPROVED DRAWINGS AND DOCUMENTS**

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

2921/L/01; 2921/L/02; 2921/P/101; 2921/P/103; 2921/P/104; 2921/P/105; 2921/P/106; 2921/P/107; 2921/P/108; 2921/P/109; 2921/P/110; 2921/P/111  
(received 17 April 2019)

2921/P/113 Rev A; 2921/P/115 Rev A; 2921/P/116 Rev A; 2921/P/117 Rev A; 2921/P/118 Rev A; 2921/P/119 Rev A; 2921/P/121 Rev A; 2921/P/123 Rev A  
(received 25 July 2019)

2921/P/124 Rev B; 2921/P/125 Rev C; 2921/P/126 Rev B; 2921/P/127 Rev B; 2921/P/128 Rev A; 2921/P/129 Rev A; 2921/P/130 Rev A; 2921/P/131 Rev A; 2921/P/151; 2921/P/152; 2921/P/153; 2921/P/154; 2921/P/155; 2921/P/162; 2921/P/163; 2921/P/164; 2921/P/165; 2921/P/166; Outline Specification of Internal Works; 2921/Roomdatasheets01 Rev A (received 9 September 2019)

2921/P/193; 2921/P/195 (received 17 September 2019)

2921/P/102 Rev A; 2921/P/114 Rev B (received 19 December 2019)

2921/P/122 Rev E; 2921/P/141 Rev B; 2921/P/191 Rev B; 2921/P/192 Rev A; 2921/P/196; 2921/P/197 (received 5 February 2020)

2921/P/161 (received 7 February 2020)

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) **STAIRWELL METHOD STATEMENT**

No internal works within the building shall be carried out until a method statement detailing the approach to tile cleaning, repair and replacement of tiles within the building's principal internal stairwell has been submitted to and approved in writing by the local planning authority. The method statement shall be accompanied by samples where relevant to demonstrate the approach to cleaning, repair and replacement of tiles. The works shall be implemented in full accordance with the approved method statement.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

4) **SERVICE RISER DETAILS**

No internal works within the building shall be carried out until details of the proposed service riser have been submitted to and approved in writing by the local planning authority. The works shall be implemented in full accordance with the approved details.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

5) **BOUNDARY WALL METHOD STATEMENT**

No works to the boundary wall to the former Drill Yard shall be carried out until a method statement detailing the approach to any works of cleaning, repair or alteration of the boundary wall has been submitted to and approved in writing by the local planning authority. The works shall be implemented in full accordance with the approved method statement.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

6) **DOOR SCHEDULE**

No internal works within the building shall be carried out until a door schedule has been submitted to and approved in writing by the local planning authority. The door schedule shall comprise a numbered schedule (cross referenced to the approved

plans and room data sheets) to identify a) existing historic doors; b) locations for re-use of removed historic doors; and c) details of proposed new doors. For the avoidance of doubt, this schedule shall relate to all external and internal doors. The works shall be implemented in full accordance with the approved schedule.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

**7) DETAILS OF METAL RAILING TO STAIRWELL**

No internal works within the building shall be carried out until details of the proposed full height metal railing to be installed at lower ground floor level within the building's principal internal stairwell as shown on approved drawing 2921/P/121 Rev A have been submitted to and approved in writing by the local planning authority. These details shall include the form, materials and method of fixing of the gate. The works shall be implemented in full accordance with the approved details.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

**8) SECONDARY GLAZING**

No works to install secondary glazing to any of the window openings within the building shall be carried out without the prior written approval of the local planning authority.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

**9) CLEANING OF EXTERNAL BRICKWORK**

No works to clean the external brickwork shall be undertaken, other than low pressure (20-100 psi) surface cleaning using a nebulous water spray, without the prior written approval of the local planning authority. Before relevant work begins, any other cleaning proposals must be approved in writing and carried out strictly in accordance with those details.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

**10) EXTERNAL BRICKWORK, JOINERY AND MATERIALS**

All new external brickwork, joinery and other external materials shall match those of the existing building in material, appearance and proportion.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

11) **INTERNAL JOINERY AND DETAILING**

All new skirtings, architraves and cornices shall match the existing at the same floor level and part of building.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).