

Committee	PLANNING COMMITTEE A	
Report Title	Ashby Studio 81 Ashby Mews SE4,	
Ward	Brockley	
Contributors	Monique Wallace	
Class	PART 1	14 July 2016

<u>Reg. Nos.</u>	DC/16/96174
<u>Application dated</u>	08.04.16
<u>Applicant</u>	Toby Albrow
<u>Proposal</u>	Demolition of the existing buildings and the construction of a part single/part 2 storey live/work unit at Ashby Studio 81 Ashby Mews SE4.
<u>Applicant's Plan Nos.</u>	284.CH.1250.PL.01, 284.CH.100.PL.10 rev A, PL.01, PL.02, PL.03, PL.04 rev A, PL.05 rev A, PL.06 rev A, PL.07 rev A, PL.08 rev A, PL.09 rev A, PL.11, PL.12, 284.CH.200.PL.01 rev A, PL02, PL.03 rev A, PL.04, Design & Access Statement, Heritage Assessment, Arboricultural Assessment and Protection Method Statement, BRE Daylight & Sunlight Study, SAP Rating and Part L1A 2014 Compliancy Report, Code For Sustainable Homes Pre-assessment Analysis, Asbestos Refurbishment/Demolition Survey, Phase 2 Environmental Investigation, Phase 2 Environmental Report & Planning Statement, Structural Appraisal.
<u>Background Papers</u>	(1) Case File DE/98/I/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Core Strategy - Existing Use

1.0 Property/Site Description

- 1.1 The application site comprises premises at the rear of 81 and 83 Upper Brockley Road. The premises has a frontage to Ashby Mews, which is a mews road to the rear of the three storey residential terraces that front onto Upper Brockley Road.
- 1.2 The premises comprises a Victorian mews building at the rear of No.81 which is likely to have originally been a stable. To the rear of the stable building is a temporary structure, currently being used as a model making workshop by the current owners. At the rear of No.83, adjacent to the Victorian stable building, is a yard area which is partially covered by a corrugated iron roof structure. At the rear is an area of open yard. The premises is separated from the gardens of number 81 and 83 Upper Brockley Road by wooden fencing. The property is accessed by gates from Ashby Mews.

- 1.3 Prior to the use of the small temporary building at the rear of the stable building by the current occupiers, the last known use of all buildings was as a stone cutting workshop, confirmed by the issue of a Lawful Development Certificate in November 2013.
- 1.4 The plot to the immediate south of the application site has a small single storey garage to the rearmost part of the garden, while to the immediate north, a single storey building covers the majority of the outside space.
- 1.5 The mews buildings surrounding the application site comprise a mixture of domestic garaging, and small commercial uses. The premises form part of a larger range of commercial/industrial buildings located at the northern end of Ashby Mews although the majority of the surrounding area is predominantly residential in character.
- 1.6 The buildings opposite the application site have had a long history of industrial/commercial use; Units 1-5 Ashby Mews initially as a laundry and then as warehouses and offices for publishers Hodder and Stoughton. With the exception of the rear part of Unit 3, they were never part of the gardens of adjoining properties in Manor Avenue.
- 1.7 The application site and adjacent buildings however, occupy the rear of properties in Upper Brockley Road and comprise smaller scale workshop units. The stable building on the application site is the tallest building within the row of single storey buildings. Most of these buildings have now reverted to domestic garaging and are attached to properties in Upper Brockley Road which were refurbished in the 1990s. The application site is one of a few commercial units that remain on the eastern side of the Mews.
- 1.8 Units 1 & 2, Unit 4 and Unit 5 Ashby Mews have been granted planning permission to become two storey live/work units; Unit 5 is completed, Units 1 & 2 are currently undergoing the construction works while works to Unit 4 appear to be midway through the construction process. Unit 3, which is a commercial workshop with a saw tooth roof was renovated in 2012.
- 1.9 The Mews continues to Geoffrey Road and beyond the site of Unit 5 Ashby Mews, is fronted mainly by rear gardens and domestic garages. However there are a few commercial uses and a solitary dwelling house at the rear of No. 102 Manor Avenue, which was constructed in the early 1980s. Many of the rear gardens also support mature trees which are an attractive feature of the Mews.
- 1.10 The Mews is a private road owned and maintained by frontagers, with a largely hogging surface. Due to its greater usage for access to the industrial units, the Mews surface adjoining the application site, which comprises a variety of materials, is in poor condition.
- 1.11 The site is within the Brockley Conservation Area which is covered by an Article 4 Direction. The application site is not a listed building.

2.0 Planning History

- 2.1 Planning permission was refused in October 2015 for the demolition of the existing buildings and the construction of a part single/part 2 storey live/work unit

at Ashby Studio 81 Ashby Mews SE4, together with bin and cycle storage. The reason for refusal was as follows:

The proposed building, by reason of its roof design and scale would result in a bulky, imposing and incongruous building form in this modest Mews location, significantly undermining the visual and hierarchical relationship between the houses in Upper Brockley Road and the buildings within the Mews, causing demonstrable harm to the amenities of nearby residential occupiers and the character of this part of the Brockley Conservation area. The necessity to provide numerous windows and roof lights would result in unreasonable levels of light spillage, also compromising the appearance of the garden setting, and the Conservation Area. The proposal would therefore be contrary to London Plan Policy 7.8 Heritage assets and archaeology, Core Strategy Policy 15 High quality design for Lewisham, and Policy 16 Conservation areas, heritage assets and the historic environment, Policy 27 Lighting, Policy 30 Urban design and local character, 33 Development on infill sites, backland sites, back gardens and amenity areas 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) and Residential Standards Supplementary Planning Document (Updated 2012).

- 2.2 In November 2013, a Lawful Development Certificate was issued in respect of the use of the application site as a workshop/yard for the business of cutting and polishing stone in the yard.
- 2.3 A planning application was withdrawn in October 2013 in respect of the change of use, alteration and conversion of the mews stable to the rear of 81/83 Upper Brockley Road, SE4, together with the construction of a single-storey extension to provide a 2 bedroom live/work unit. During the course of the application, the then applicant was advised that officers were in support of the principle of the development subject to the change from a pitched roof to a flat roof, and further detail regarding the fenestration and design. The applicant was not forthcoming with the required amendments and subsequently withdrew the application.
- 2.4 Planning permission was refused on the 2nd April 2012 (DC/12/79276) for the extension of the existing mews building with a part two storey, part single storey addition and to convert the property into a 3-bed family dwelling. Permission was refused for the following reasons:

Reason 1

The applicant has failed to demonstrate that the site should no longer be retained in employment use, contrary to Policy 5 Other Employment Locations of the Core Strategy (June 2011).

Reason 2

The proposal would fail to preserve the significance of the Victorian mews building and fail to maintain its relationship with the main house fronting Upper Brockley Road and would therefore result in material harm the character and appearance of the Brockley Conservation Area, contrary to

Policy 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011).

Reason 3

The proposal would represent an unacceptable over-development of the site failing to preserve the amenity of neighbouring occupiers by resulting in an unacceptable sense of enclosure, contrary to Policies HSG 4 Residential Amenity and HSG 8 Backland and In-fill Development in the adopted Unitary Development Plan (July 2004).

Reason 4

The proposal would represent an unacceptable over-development of the site failing to provide an appropriately sized amenity space for a family dwelling, contrary to Policy HSG 7 Gardens of the UDP (July 2004).

- 2.5 Planning permission was granted in 2011 (Ref: DC/10/73782) for the change of use, alteration and conversion of the basement and ground floor of 81 Upper Brockley Road SE4, to provide 1 one bedroom, self-contained flat and 1 two bedroom, self-contained maisonette, together with the formation of a light-well to the front and alterations to the elevations. This development included the provision of a terrace to the rear of the property.

3.0 Current Planning Application

The Proposals

- 3.1 Planning permission is sought for the demolition of the existing buildings and the construction of a part single/part 2 storey live/work unit at Ashby Studio 81 Ashby Mews, together with bin and cycle storage.
- 3.2 The proposals are largely similar to the scheme refused in October 2015, but in this case, the angle of the roof has changed direction. The internal configuration of the building has also changed resulting in the ground level of the proposed building being 1m below the existing ground levels.
- 3.3 The stable building would be rebuilt, in a form and design, replicating the existing situation on site. Drawing number 284.CH.100.PL.11 provides an outline of the October 2015 scheme set against the currently proposed scheme. A further two storey element is proposed in the south western corner of the application site. The resultant building would comprise a series of pitched roofs, with a double gable wall facing the properties within Upper Brockley Road and a pitched roof set back from the gable of the rebuilt stable building which would abut Ashby Mews. A further pitched roof, sloping in the opposite direction to the roof at the rear, would cover the single storey element of the proposed building to its south eastern corner.
- 3.4 Timber double doors within the replica stable building element of the scheme, and a single, metal pedestrian door would provide access directly onto the mews road. At first floor level, a timber door, with a fixed bottom panel would be in the location where there is an existing stable door. To the rear, sliding doors would provide direct access to outside space. No first floor windows are proposed in the rear elevation.

- 3.5 Roof lights are proposed on all of the roof slopes.
- 3.6 Internally, three studio spaces are proposed, together with a kitchen, toilet and cycle storage at ground floor level. Two bedrooms, a kitchen, living/dining area and a bathroom are proposed at first floor level.
- 3.7 Bin storage is proposed to be located behind a screening wall abutting the news road at the front of the unit.
- 3.8 The materials proposed are:
- Reclaimed brick from the demolition of the stable building to be used on the re-built stable building
 - Charred larch boards
 - Corten steel cladding panels
 - Slate for the roofs
 - Timber framed, double glazed windows and door
- 3.9 Page 18 of the Design and Access Statement advises that the ground floor studios would be used as a model making studio, costume workshop and drawing/painting studio.

Supporting Documents

SAP rating and Part L1A 2014 Compliancy report – Watt Energy and Consulting Engineers

- 3.10 This document sets out the construction specification for the fabric of the building and also the Mechanical and Electrical specification and design. The document also includes a Code for Sustainable Homes assessment of energy emissions which predicts that the proposed building could achieve Level 4.

Asbestos refurbishment/Demolition survey – Rothercroft Limited

- 3.11 This document provides details of a survey that was undertaken in order to establish whether any asbestos based materials were on the site. Where any evidence of asbestos has been found, the report also provides a level of risk of exposure associated with the finding.
- 3.12 The documents advises that some asbestos was present on site and that it should be removed by a licensed contractor.

Arboricultural Assessment and Protection method statement – ACS consulting

- 3.13 This document advises that the application site does not contain any trees but that there is a mature Elder and a 'clump of self-seeded Ash trees' within the plot to the rear of the application site.
- 3.14 The report explains that surrounding trees provide screening between the site and neighbouring plots and provides guidance and instructions with regard to tree protection measures.

Code for Sustainable Homes Pre- Assessment Analysis – Watt Energy and Consulting engineers

- 3.15 This document sets out how the proposed building could achieve the necessary points to achieve Level 4, Code for Sustainable Homes.

BRE Daylight & sunlight study – Skyline design/ Ashmount consulting engineers

- 3.16 This report considers the impact of the proposal upon the existing levels of sunlight and daylight to the 81 and 83 Upper Brockley Road.
- 3.17 The report concludes that all windows surrounding the proposed development would maintain sunlight levels and views of the sky which are in accordance with British Research Establishment standards (BRE).

Design and access statement

- 3.18 The statement describes the context of the application site, referring in particular to the development approved on the opposite side of Ashby Mews.
- 3.19 The evolution of the current scheme including reference to the October 2015 refused scheme. The document concludes with reference to the consultation carried out prior to the submission of the current planning application.

Phase 2 investigation – GO contaminated Land Solutions Ltd

- 3.20 The Phase 2 investigation confirms that contamination was found, but where the ground is to be covered in buildings, it does not pose a risk to human health. However, the top layer of ground in the garden/yard area should be removed and replaced with a clean material or a barrier should be installed. It also refers to the presence of asbestos which it recommends should be safely removed.

Planning Statement - bptw

- 3.21 This document describes the site and context, the planning history and pre-application submission. The planning policy context is provided, followed by a chapter setting out the planning considerations and why the proposed development is considered to adhere to local, regional and national planning policies.

Heritage statement and impact assessment - Purcell

- 3.22 The statement discusses the significance of the heritage asset, being the stable building/stable and the impact the proposed development would have upon the heritage asset.
- 3.23 The document concludes that the Brockley Conservation Area is of high heritage significance, but Ashby Mews and the stable building is of low heritage value due to its current altered state.

Structural appraisal – Croft Structural Engineers

- 3.24 Section 2 of the report briefly describes heritage building and confirms that it would have previously been used as a coach house or stable building associated

with the house fronting Upper Brockley Road. This section also advises that the stable building has been altered significantly.

- 3.25 In Section 4, External observations advises that front façade is in a very poor condition and requires rebuilding works. Throughout this section, the writer sets out the structural problems and suggests remedial works. The report advises that some of the pointing has eroded to a degree that brickwork may collapse.
- 3.26 Section 4.2 internal observations confirms that damp and corrosion were found and further remedial work was suggested.
- 3.27 In conclusion, the report advises that the structural survey has identified a significant amount of the building that needs to be rebuilt, so much so that not much of the original structure would remain. With that in mind, the structural engineer advises, that the applicant may as well rebuild the entire structure on new foundations.

4.0 Consultation

- 4.1 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors.
- 4.3 Twenty-nine representations were received; 20 in favour and 9 against the proposals.
- 4.4 The representations received in support of the proposals came from Units 1, 2, 3, 4 and 5 Ashby Mews, 57 Breakspears Road, 76 Tyrwhitt Road, 27 Darlymple Road, 2A Glynde Street, Flat 2A Glynde House - 2A Glynde Street, 81, 85, and 153 Upper Brockley Road, 5 Brockley Cross, 68 and 68A Whitbread Road, 116 Brockley Grove and 56 Manor Avenue all from the SE4 area and 5B St John's Vale from the SE8 area and 1 Highfield Road - Woodbridge from the Chislehurst area. The comments in favour of the proposals are summarised as follows:
- The existing stables is an eyesore.
 - The smaller revised scheme respects neighbours amenity.
 - The proposal would aid the regeneration of the mews.
 - The proposal would be well designed and of good quality.
- 4.5 The comments received against the proposals came from 77, 79 (x 2), 83 (Second Floor flat), 87A and 103 Upper Brockley Road and 186 Tressillian Road in the SE4 area and Flat 4 Harney Court – Omanney Road, from the SE14 area and are as follows:
- The proposed design is too complicated and would be out of character for the Brockley Conservation Area
 - The proposed development would not be ancillary to the main property fronting Upper Brockley Road

- There is no means of access for emergency services
- The mews are not intended for residential development
- One of the few left in the Brockley Conservation Area, the stables should be preserved, not demolished
- The proposals would result in a sense of enclosure/be too close for nearby residents
- The proposals would result in overlooking, noise and light pollution
- The scale, bulk and mass of the proposals are excessive and out of keeping with surrounding structures, resulting in overdevelopment of the site.
- Granting planning permission would set a dangerous precedent for further development on the western side of the mews.

Brockley Society

4.6 The Society supported the principle of a two storey live/work unit at the application site on the following grounds:

- the Application builds upon the extant approval for the sites as granted on 11 November 2013 (DC/12/81933/X) [This application was withdrawn, and therefore is not extant]
- the sites form a unique development opportunity currently without precedent elsewhere in
- as a result the Applicant has commendably sought pre-application advice from LBL [No pre-application advice was sought for the submission of the current application]
- by seeking to retain [replace] the existing stable building at 81 Ashby Mews

The Society however raised the following comments:

- If the stable is to be re-built, why not increase the height in order to create better head height for the residential element of the scheme.
- Roof windows will overlook nearby gardens and should be re-designed to avoid this.
- There is no information about the proposed work which could be noisy, harming the amenities of nearby residential dwellings.
- Electric blinds should be installed to manage light spillage.
- The site should be secured as it is vulnerable given access from the adjacent plots.
- Matters of parking and emergency access should be addressed.

- Other occupiers of the mews should be notified.

Letters are available to Members.

Highways and Transportation

- 4.7 No objection, subject to a condition regarding refuse collection arrangements.

5.0 Policy Context

Introduction

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

- 5.2 A local finance consideration means:

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

- 5.3 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

- 5.4 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

- 5.5 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

Other National Guidance

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

London Plan (March 2015)

- 5.7 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 3.1 Ensuring equal life chances for all
Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing choice
Policy 3.9 Mixed and balanced communities
Policy 4.3 Mixed use development and offices
Policy 4.4 Managing industrial land and premises
Policy 4.12 Improving opportunities for all
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.13 Sustainable drainage
Policy 5.21 Contaminated land
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 7.19 Biodiversity and access to nature
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

- 5.8 The London Plan SPG's relevant to this application are:

Industrial Capacity (2008)
Housing (2016)
Sustainable Design and Construction (2006)
Planning for Equality and Diversity in London (2007)

Core Strategy

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

Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 5 Other employment locations
Core Strategy Policy 7 Climate change and adapting to the effects
Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Local Plan

- 5.10 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

- 5.11 The following policies are considered to be relevant to this application:

DM Policy 1	Presumption in favour of sustainable development
DM Policy 11	Other employment locations
DM Policy 22	Sustainable design and construction
DM Policy 25	Landscaping and trees
DM Policy 26	Noise and vibration
DM Policy 27	Lighting
DM Policy 28	Contaminated land
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 32	Housing design, layout and space standards
DM Policy 33	Development on infill sites, backland sites, back gardens and amenity areas
DM Policy 36	New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens
DM Policy 37	Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest
DM Policy 38	Demolition or substantial harm to designated and non-designated heritage assets
DM Policy 43	Art, culture and entertainment facilities

Residential Standards Supplementary Planning Document (Updated 2012)

- 5.12 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

Brockley Conservation Area Supplementary Planning Document (December 2005)

- 5.13 This document advises on the content of planning applications, and gives advice on external alterations to properties. It lays out advice on repairs and maintenance and specifically advises on windows, roof extensions, satellite dishes, chimney stacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts and architectural and other details. It also sets out detailed guidance on the limited development that will be accepted within Brockley Mews - mainly within Harefield Mews.

Brockley Conservation Area Character Appraisal (August 2006)

- 5.14 This document describes the distinct character groups within the Brockley Conservation Area. It refers to the different Mews in Conservation Areas as character area 7 and makes reference to maps in 1914, further confirming the historic value of the some of the heritage buildings therein.

6.0 Planning Considerations

- 6.1 The main planning considerations in respect of the current proposal are:

- Principle of Development
- Conservation and the Loss of an undesignated heritage asset
- Layout, scale & mass and design
- Standard of accommodation proposed
- Neighbour amenity
- Highways, cycling and refuse
- Sustainability

Principle of Development

- 6.2 The planning system plays a fundamental role in securing economic growth. At national level, the NPPF requires Local Planning Authorities to set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth. The planning system should support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances. Local

Planning Authorities should identify priority areas for economic regeneration, infrastructure provision and environmental enhancement. Paragraph 21 States that Local Authorities should facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.

- 6.3 London Plan Policy 4.4 Managing Industrial Land and Premises sets out the need to (a) identify and protect locally significant industrial sites where justified by evidence of demand and (d) accommodate demand for workspace for small and medium sized enterprises and for new and emerging industrial sectors.
- 6.4 Core Strategy Policy 5 seeks to protect employment locations throughout the borough outside of designated employment locations. The policy states that employment land within clusters of commercial and business uses, should be recommended for retention in employment use. The policy allows for a change of use to other uses (including residential) but only if it can be demonstrated that site specific conditions including site accessibility, restrictions from adjacent land uses, building age, business viability, and viability of redevelopment show that the site should no longer be retained in employment use.
- 6.5 This approach is carried forward into Development Management Local Plan Policy 11 Other employment locations. Policy 11 states that the Council will seek to retain employment uses (B Use Class) on sites where they are considered capable of continuing to contribute to and support clusters of business and retail uses and where the use is compatible with the surrounding built context by reason that they offer the potential for the provision of workshop/industrial units for small and medium sized enterprises (SMEs) serving local residential and commercial areas, particularly where there is little alternative provision in the local area and provide lower cost industrial accommodation suitable for small, start-up businesses.
- 6.6 The Core Strategy notes that there is a strong recognition of the importance of creative industries to the borough's economy, with these activities currently clustered in parts of Deptford, New Cross and Forest Hill.
- 6.7 A lawful development certificate was issued in 2012 confirming that the last use of the application site was as an employment use. The first consideration is therefore whether the loss of employment land, and the change of use to live/work is acceptable in principle.
- 6.8 Planning permissions were granted between 2014 and 2015 for the alteration, extension and construction of live/work units at Units 1 & 2, Unit 4 and Unit 5 Ashby Mews which are located on the eastern side of Ashby Mews, opposite the application site.
- 6.9 In all cases, the live/work units resulted in the retention/re-provision of employment space at ground floor level. In those cases, officers considered that the principle of a live/work unit was acceptable as they were retaining work space which continued to provide and contribute to the economy of the borough and to the provision of work space for the creative industry sector.
- 6.10 The current application proposal is for a live/work unit, also comprising work space at ground floor level and living accommodation above. Relevant planning policies have not changed since the planning permission was granted for a live/work unit at Units 1 & 2 Ashby Mews in March 2015. Officers also do not

consider there to be any material planning considerations which would warrant taking a different approach in this instance.

- 6.11 In light of the above, officers consider that the proposed loss of employment space and the principle of changing the use to a live/work unit is acceptable. In order to ensure that the proposed building is used as a proposed, a condition would need to be added to the decision notice, establishing and delineating the living and working spaces within the unit.

Conservation

- 6.12 Development Management Local Plan 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 states that any harm to or destruction of a heritage asset will require clear and convincing justification. The justification provided would then be weighed against any wider public benefits which may come from the from the development.
- 6.13 In the Brockley Conservation Area Character Appraisal the Mews is identified as Character area 7. The appraisal notes that the individual Mews roads have different characters and that the north and south of Ashby Mews has a significant amount of light industrial or workshop development. The conservation area appraisal and SPD resists residential development in most Brockley Mews.
- 6.14 The positive character of the conservation area is largely derived from the large Victorian houses fronting the main roads, which have long rear gardens, many of which back onto the Mews service roads. The long rear gardens support many trees and the gardens and trees contribute to the character and spacious setting of the conservation area. Where parts of rear gardens have been annexed to provide development plots fronting Mews service roads, this has in some cases resulted in buildings of poor quality. In addition the development of rear gardens has resulted in sub-division of the original long rear gardens, the removal of trees and a rather suburban form of development, much of which has not contributed positively to the character of the area. Accordingly resisting such forms of development is intended to prevent such unsympathetic backland development.
- 6.15 The site comprises a small utilitarian building and a number of attached informal structures fronting Ashby Mews, a back lane between Upper Brockley Road and Manor Avenue, within the Brockley conservation area.
- 6.16 The Council's Conservation Officer considered that the proposal inevitably intensifies the level of development presently enclosing Ashby Mews and acknowledged that the new built form is largely contained within the existing footprint and does not intrude into any important local views. It was considered that the development is scaled to reference the traditional subordinate status of Mews buildings in relation to neighbouring frontage buildings and the intended live/work use accords with the traditional uses of Mews buildings. Therefore, no objections were raised by the Conservation Officer to the principle of the development.
- 6.17 The current proposal is for the creation, including the re-provision of a warehouse/workshop style building in a stretch of Mews which has already been significantly altered. There would be no further loss of existing garden space; the

garden area had already been severed some time ago from the properties at 81 and 83 Upper Brockley Road. It is therefore considered that the proposal would not set a precedent for the further erosion and development of rear garden areas fronting Ashby Mews or other Mews within Brockley.

- 6.18 For the above reasons, officers consider the principle of constructing further building mass to create live/work unit to be acceptable, subject to compliance with other relevant policies.

Stable Building

- 6.19 London Plan Policy 7.8 Heritage assets and archaeology states that developments should identify the value of heritage assets and restore, re-use and incorporate heritage assets into developments where appropriate. It also states that new developments affecting heritage assets should respect their form, scale and complement their materials. The supporting paragraph 7.31 to London Plan Policy 7.8 states that the loss of a heritage asset should be only in exceptional circumstances. It also states that any harm to the significance of the heritage asset should be weighed against any public benefits of the proposal, including securing its optimal viable use. Even if the retention, restoration and adaptation of the heritage asset results in a use/development which is not otherwise policy compliant, but which would secure the future conservation of a heritage asset, a balance should be struck between the preservation and any harm caused by the failure to be policy complaint. London Plan Policy 7.9 Heritage led regeneration states that wherever possible, heritage assets should be put to a viable use, consistent with their conservation. This requirement also applies to buildings at risk, such as the application building. The London Plan Glossary of terms confirms that any reference to 'Heritage Assets' in the London Plan include both designated and non-designated heritage assets.
- 6.20 DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest states that developments which would have an impact on an undesignated heritage asset should have their significance enhanced and as such, any planning application should be accompanied by a heritage statement. DM Policy 38 Demolition or substantial harm to designated and non-designated heritage assets states that the demolition or substantial harm to heritage assets needs to be justified with clear and convincing evidence, while also being accompanied with a planning application providing an appropriate replacement development.
- 6.21 The Brockley Conservation area SPD and character appraisal confirm that Victorian mews buildings are rare and where they occur these should be preserved. The stable building therefore constitutes an important and valuable heritage asset. An image of the stable building is shown in the character appraisal as an example of an original mews building.
- 6.22 The existing historic building on the application site is believed to be a former stable building with some alterations resulting from its subsequent use as a workshop building during much of the 20th century and early 21st century. Despite later alterations, it has retained its character and charm and in particular, its two storey height sets it apart from the less attractive, single storey out buildings and garages. For this reason, it has been identified as a non-designated heritage asset.

- 6.23 The proposal is for the stable building to be demolished and rebuilt with reclaimed bricks, replicating its current appearance.
- 6.24 The application was submitted with a structural survey which set out the reasons why the historic stable building would be better rebuilt with new foundations, than refurbished. This conclusion is based on the front elevation showing cracking around an area of brickwork that is a later alteration when a new lintel was inserted. The report notes that it is not clear without further monitoring whether the movement is ongoing or has occurred in the past and settled. The report also notes that the lintel is believed to be unstable and the front façade requires some rebuilding, as does the parapet section.
- 6.25 The report further identifies some other areas internally and externally which are in need of repair, such as re-pointing which, if left unrepaired may cause structural issues in the future. Officers consider that many of the noted defects appear to be of a nature one would expect at a building of this age that has seen a lack of maintenance for some time. The report was carried out by an independent surveyor and Officers are satisfied that the conclusions of the report are based on the observations and opinions of a qualified, independent person.
- 6.26 Policies request that any loss or substantive harm to heritage assets be weighed against any public benefit.
- 6.27 Ashby Mews is currently undergoing a transformation. The recent planning permissions approved on the eastern side of Ashby Mews are resulting in the regeneration of the mews road and buildings fronting it. The current proposals add to that regeneration project by providing a new building which aims to reflect the existing and a new annex to that building, which cumulatively would result in more sustainable form of development.
- 6.28 A further material planning consideration is that the stable building is a Victorian building. Even though the proposal is to replace the existing building, in terms of its form and design, once lost, the history of the building is lost with it; its history of previous uses cannot be replaced. However, even with this in mind, Officers consider that not developing the site would be more harmful to the mews and Brockley Conservation area than would the retention of a building which cannot be safely used in its current form.
- 6.29 Officers acknowledge that the refused application in 2012, referenced DC/12/79276 included the retention of the stable building on site. However, this application was not submitted with a structural report and therefore while the retention of the stable building may have been proposed, it might not have been possible to retain/refurbish the undesignated heritage asset.
- 6.30 In light of the above, officers are satisfied that the loss of the stable building has been justified and on balance, the regenerative and thus, public benefits of the proposed development outweigh the loss of the undesignated heritage asset.
- 6.31 As the proposal is to rebuild the stable building with an appearance matching that of the existing, officers are satisfied that replacement stable building would not adversely affect the integrity of the Brockley Conservation Area.

Layout, scale and design and conservation

- 6.32 Historic England and CABE state in 'Building in Context' that when new development occurs in historic areas, design should be of the highest standard and new buildings 'recognisably of our age, while understanding and reflecting history and context'.
- 6.33 London Plan Policy 7.6 Architecture requires development to positively contribute to its immediate environs in a coherent manner, using the highest quality materials and design. Core Strategy Policy 15 High quality design for Lewisham repeats the necessity to achieve high quality design but also confirms a requirement for new developments to minimise crime and the fear of crime.
- 6.34 Development Management Policy 30, Urban design and local character states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity.
- 6.35 DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens states that developments affecting Conservation Areas and the heritage assets within them should preserve and enhance the Conservation Area. Core Strategy Policy 15 High quality design for Lewisham states that new development should protect and enhance the historic environment while Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment states that heritage assets will continued to be monitored.

Layout

- 6.36 The existing buildings occupy the full 12.2m width of the application site. The proposal is to repeat the width of the existing buildings and to create additional depth in front of the existing single storey element of the site, towards the houses on Upper Brockley Road. The distance between the extended proposed two storey stable building would be 20m. To the south of the application site, a further part single/part two storey section of the proposed building would be 20.2m from the properties within Upper Brockley Road.
- 6.37 There are existing single storey buildings currently occupying the application site. At some point in the past, the majority of the application site was occupied by single storey buildings, save the north eastern corner of the plot which still hosts the stable building. For that reason, officers do not raise objections to the principle of the proposed layout of the buildings, subject to the appropriateness of their scale and mass.

Scale and mass

- 6.38 The application proposes the creation of additional scale and mass within a mews and rear garden environment and the Brockley Conservation Area. Therefore it is necessary to assess the impact upon the character of the mews and garden environment as well as any impact upon the appearance of the conservation area. Views from the mews road (Ashby Mews) need to be considered as well as the views from Ashby Road to the north and the views from the properties fronting Upper Brockley Road.
- 6.39 Focusing on the northern end of the site, the two storey stable building is currently 6m deep and is located 10.7m from the rear boundary shared with 81 Upper

Brockley Road. The proposal is to extend the existing two storey height of the stable building west, closer to 81 Upper Brockley Road, creating an overall depth of 11.25m, an increase of 5.25m, sitting flush with the extended stable building.

- 6.40 To the south of the site, a further two storey element is proposed at the south western corner of the site, pulled back 4.4m from the Mews Road and 20.2m from the houses fronting Upper Brockley Road.
- 6.41 Drawing numbers 284.CH.100.PL.04 Rev A show the footprint of the existing buildings against the proposed while 284.CH.100.PL.12 and 284.CH.100.PL.11 show the outline of the scheme refused in October 2015 against the current proposals.
- 6.42 The drawings show that the proposals include the proposed building and amenity space is to be sunken below ground level which has resulted in an overall reduction in building height of 1m. The two storey element has been pulled back 1m east away from the properties fronting Upper Brockley Road while the angles in the gabled roof pitches have been reversed in order to further reduce the sense of mass of the proposed buildings. Further, windows are no longer proposed within the rear elevation, fronting the Upper Brockley Road properties.
- 6.43 Officers are satisfied that the revised scheme has successfully achieved a scale and mass which is of a sufficient distance away from the properties fronting Upper Brockley Road, while the heights and angles of the gabled roofs, coupled with the set back from the mews road renders the proposed mass more in keeping with the surrounding buildings.
- 6.44 Officers consider that the proposed development would respect the openness of the spaces between the Mews buildings and the properties fronting Upper Brockley Road.
- 6.45 With regard to the views from the mews road itself, the proposal is for two storeys to the north and single storey to the south of the application plot, with a two storey element to the south west. The single storey element is 4.4m deep, creating a substantial set back for the two storey element from the mews road. Officers consider that the set back adequately reduces the visual bulk of the two storeys, thus achieving the necessary subordination to the rebuilt stable building.
- 6.46 To conclude, officers consider that the current scheme would be of a scale and mass which respects the integrity of the re-built stable building, while being of a sufficient distance away from the properties fronting Upper Brockley Road, and of a size suitable for this section of Ashby Mews to maintain the hierarchical relationship between the mews and surrounding buildings and roads.
- 6.47 The scale and mass proposed is therefore appropriate for the character of the Conservation Area.

Design

- 6.48 London Plan Policy 7.6 Architecture requires development to positively contribute to its immediate environs in a coherent manner, using the highest quality materials and design. Core Strategy Policy 15 High quality design for Lewisham repeats the necessity to achieve high quality design but also confirms a requirement for new developments to minimise crime and the fear of crime. Development

Management Policy 30, Urban design and local character also states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity.

- 6.49 The conservation policies as referred to in earlier paragraphs all state that developments in conservation areas should be to a good standard and the materials used should be of a high quality.
- 6.50 The Conservation Officer considered the scheme would have a quirky, modern architectural treatment which introduces a locally distinctive point of interest to the conservation area and the materials palette comprises a mix of traditional and modern elements which complement the architectural style and tie it in to the local context and therefore raised no objections to the proposals.
- 6.51 Officers do not raise any objections to the principle of the of the proposed design. The proposed modern appearance and high quality materials reflect the recently approved buildings on the eastern side of the mews. Unit 5 has recently been completed and Units 1 & 2 and 4 are under construction and officers consider that the mews is evolving into a contemporary and complementary addition to the Brockley Conservation area while significantly regenerating Ashby Mews.
- 6.52 The gabled walls and steep pitched roof designs provide a historical 'nod' to the re-built stable building, while the materials and expanses of blank facades provide the modern, simplistic style to the building.
- 6.53 Officers consider that the current proposals would result in an elegant and simplistic addition to the mews environment, which would continue the positive regenerative developments which have taken place within the mews to date.
- 6.54 Officers consider the proposed design to be acceptable.

Standard of accommodation proposed

- 6.55 In the context of a live/work unit, a level of flexibility in terms of residential standards and amenity space is acceptable.
- 6.56 In relation to the standard of residential accommodation currently proposed, the living space would be entirely on the upper floors of the proposed development. The floor area measurements with a head height in excess of 2m are 22.5m² for living/dining room, 9.2m² for the kitchen, 20m² for the main bedroom towards the east of the plot (fronting the Mews) and 10.8m² for the second bedroom towards the rear.
- 6.57 Standard 31 in the London Plan Housing SPD states that a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged. The Technical housing standards – nationally described space standard requires a minimum head height of 2.23m, bedrooms to be a minimum of 2.75m wide and main bedrooms to be 11.5m² and single bedrooms to be 7.5m².
- 6.58 Due to the tall gable wall/pitched roof design, the head height in the residential space will vary. Drawing number 284.CH.100.PL.05 Rev A shows the head height above 2m which is the majority of the floor space; the closer to the centre of the unit, the higher the head height. The floor areas of the habitable rooms

comfortably exceed minimum sizes as required by policy and therefore Officers do not raise any objections to the head height proposed.

- 6.59 Outlook from the proposed kitchen, living/dining space and second bedroom would be upwards, through roof lights. Secondary outlook from the main bedroom through the part glazed door is to face the 1st floor extension approved at appeal under reference DC/12/85211 for Units 1 & 2 Ashby Mews. The distance between the two buildings would be 4.6m. This relationship would usually be unacceptable not only with regard to a loss of privacy but also with regard to outlook. However, as the window is secondary, the proposal is for a live/work unit, and the building approved opposite the application site is also a live/work unit, the close proximity of the habitable room window to the buildings on the opposite side of the mews is considered to be acceptable in this instance. The main/primary outlook for this room would be through a north facing roof light located at a height and angle which would allow immediate direct views across the roofs of the neighbouring garages and workshops, and far reaching views (in excess of 20m) of the properties fronting Manor Avenue and Upper Brockley Road. Officers consider the outlook proposed for the live/work unit to be acceptable.
- 6.60 The proposed 100m² external space to the rear of the unit space is to be sunken 1m below natural ground level and is proposed to be used private amenity space, although officers would not raise any objections to the use of this space ancillary to the work space in the unit. This provision of flexible outdoor space is considered to be acceptable for a live/work unit.
- 6.61 As the purpose of a live/work unit is to provide flexible living and working spaces, officers do not raise any objections to the overall proposed standard of living accommodation.
- 6.62 In respect of the employment space at ground floor level, officers consider the proposed layout to be fully compliant with the concept of live/work unit. The work space is larger than the living accommodation and would benefit from large and alternative openings directly onto the mews road. Officers consider that this amount and arrangement of workspace lends itself to being flexible to many different commercial activities which in turn encourages the longevity of its use as a live/work unit.

Neighbour Amenity

- 6.63 DM Policy 32 requires new schemes to be neighbourly meaning that the provision of new dwellings should not significantly compromise the amenities of existing nearby occupiers.
- 6.64 The objections received were on the grounds that the proposals would result in a sense of enclosure, overlooking and general noise and disturbance, as well as light spillage from the living and working with the application site.
- 6.65 The Council's Residential standards SPD requires a minimum separation distance of 21m between directly facing habitable rooms to avoid overlooking. A minimum 9m depth is also required between the rear flank of a new building and the rear boundary.

- 6.66 The proposed rear elevation would be a minimum of 20m away from the rear elevations of the buildings fronting Upper Brockley Road. It would also be 5.5m away from the rear boundary, shared with 81 Upper Brockley Road at its closest point and 11m away from the rear boundary shared with 83 Upper Brockley Road.
- 6.67 Windows have not been designed into the first floor rear elevation of the proposed building. Officers therefore do not raise any objections on the grounds of overlooking/loss of privacy. However, the distance between the existing and proposed buildings is below the minimum requirements as set out in the Residential standards SPD. In this case however, Officers consider this failure to achieve policy by up to 1m in the context of a 21m requirement is marginal and not sufficient to justify refusing the proposal on those grounds. Further, as mentioned earlier on in this report, Officers consider that the layout, scale and mass of the proposed development are visually suitable for the immediate environment and cluster of buildings and therefore would not result in an unacceptable sense of enclosure.
- 6.68 With regard to excessive light spillage, 11 roof lights are proposed. Officers consider this to be a reasonable level of lighting for a building of this size, and for a mixed use building in a mews environment. Notwithstanding this, the applicant has offered to add a film to the roof lights which would reduce light spillage. Officers will therefore secure this film as a condition.
- 6.69 Neighbours have raised objections to the potential for noise and disturbance to be caused by the residential use of the live/work unit. The Design and Access Statement confirms that the work element of the unit would accommodate a model making studio, costume workshop and drawing/painting studio.
- 6.70 It is noted that the current commercial buildings do not have any restrictions regarding times of use, and could potentially be used for extended hours in the evenings and at weekends. It is not considered that the live/work use would be likely to result in significantly more noise or disturbance than would an occupier using the workshop for purely commercial activities. To ensure that noise and disturbance is limited, a condition should be imposed restricting any commercial activities to ones which are suitable within a residential environment.
- 6.71 Officers are satisfied that, subject to an appropriate condition, the use of the application site for live/work would not significantly compromise the amenities of the nearby residential on the grounds of noise and disturbance.
- 6.72 A sunlight/daylight report was submitted with the application documents which concluded that all existing and proposed residential accommodation would still benefit from access to sunlight and daylight levels in accordance with minimum BRE standards.
- 6.73 The east-west orientation of the application site, combined with the existing garden buildings on the neighbouring plots means that any loss of sunlight/daylight would mainly fall onto other buildings, or within the application plot itself. Due to the limited width of the mews road, some overshadowing might occur to Units 1 & 2 Ashby Mews in the late afternoons. However, this loss would be for a relatively short period of time and therefore any loss of sunlight to these buildings is considered to be acceptable. Officers also note the representation

received from the occupiers of Units 1, 2 and 3 Ashby Mews supporting the current proposals.

- 6.74 Officers are therefore satisfied that the proposed development would not result in any appreciable loss of sunlight or daylight to nearby occupiers.
- 6.75 To conclude, officers consider that the proposed scale, mass and fenestration design of the proposed building would preserve and enhance the appearance of the Mews and Brockley Conservation Area and would not cause harm to the amenities of nearby residential occupiers.

Highways, cycling and refuse

- 6.76 London Plan and Core Strategy Policies reflect National Guidance, encouraging sustainable transport modes. Priority should be given to enhancing pedestrian and cycle routes and promoting use of sustainable transport modes. Core Strategy Policy 14 Sustainable movement and transport states that the Council will take a restrained approach to parking provision.
- 6.77 No objection has been raised on transport grounds by the Council's Highways officers. Continued commercial use would give rise to a certain level of vehicular activity, servicing and parking demand and it is not considered that parking demand from the proposed use would exceed that which could be expected in relation to commercial activity associated with the existing property.
- 6.78 Cycle storage is proposed in the external space to the rear which is not acceptable as it should be secure and dry and readily accessible towards the front of the building for convenience and to encourage use. As there is ample space within the ground floor of the proposed unit, Officers are satisfied that a condition can be added to the decision notice requesting details of cycle storage, notwithstanding the proposals.
- 6.79 A bin store is proposed at the front of the unit which is acceptable. Given that the application site is in excess of 10m from Ashby Road, a condition is to be imposed requesting a refuse management plan to ensure that the bins were taken to a location agreed with the refuse department on bin collection days.

Sustainability

- 6.80 A Code for Sustainable Homes pre-assessment was submitted with the proposals which indicated that the proposed development could achieve Level 4, Code for Sustainable Homes. In achieving Level 4, the scheme would have incorporated the energy and water consumption targets. A condition securing the proposed sustainability measures is to be imposed.
- 6.81 Officers raise concerns regarding the proposed submerged floor levels within the proposed building and external space and what implications this may have on flooding. It is therefore recommended that a condition necessitates details of flood mitigation measures and sustainable urban drainage systems to be provided.

7.0 Local Finance Considerations

- 7.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).
- 7.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 7.3 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

8.0 Community Infrastructure Levy

- 8.1 The above development is CIL liable and the relevant form was completed and submitted with the application documents.

9.0 Equalities Considerations

- 9.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.3 The duty is a "have regard duty" and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 9.4 Officers have had regard to the Equality Act and conclude that there would be no impact upon equality as a result of the proposed development.

10.0 Conclusion

- 10.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 10.2 Officers consider that the layout, scale and design of the proposed development results in an acceptable form of development within the mews and garden environment and would adequately protect the amenities of the surrounding occupiers.

10.3 For the reasons set out above, the proposed development is considered to be acceptable and should therefore be approved.

11.0 **Recommendation**

11.1 Grant Planning permission subject to the following conditions:

Conditions

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

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

2. The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:
284.CH.1250.PL.01, 284.CH.100.PL.10 rev A, PL.01, PL.02, PL.03, PL.04 rev A, PL.05 rev A, PL.06 rev A, PL.07 rev A, PL.08 rev A, PL.09 rev A, PL.11, PL.12, 284.CH.200.PL.01 rev A, PL.02, PL.03 rev A, PL.04, Design & Access Statement, Heritage Assessment, Arboricultural Assessment and Protection Method Statement, BRE Daylight & Sunlight Study, SAP Rating and Part L1A 2014 Compliancy Report, Code For Sustainable Homes Pre-assessment Analysis, Asbestos Refurbishment/Demolition Survey, Phase 2 Environmental Investigation, Phase 2 Environmental Report & Planning Statement, Structural Appraisal.

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. No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-
 - (a) Dust mitigation measures.
 - (b) The location and operation of plant and wheel washing facilities
 - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
 - (e) Security Management (to minimise risks to unauthorised personnel).
 - (f) Details of the training of site operatives to follow the Construction Management Plan requirements.

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy

5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

4. (a) No development (including demolition of existing buildings and structures) shall commence until each of the following have been complied with:-
- (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
 - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.
 - (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.
- (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

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

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

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

5. (a) Notwithstanding the details hereby approved, no development above ground level shall commence for any phase of the development until detailed plans at a scale of 1:5 and 1:10 showing the key junctions, seams and trims of the building hereby approved have been submitted to and approved in writing by the local planning authority.
- (b) The development shall be carried out in accordance with the approved details.

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

6. No development above ground level shall commence on site until a detailed schedule/drawing cross referencing samples to be submitted of all external materials and finishes, including windows, external doors and roof coverings to be used on the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

7. The commercial and domestic refuse and recycling facilities as shown on drawing number 284.CH.100.PL.04 Rev A shall be provided in full prior to any 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).

8. (a) No development above ground level shall commence on site until details of proposals for the management of commercial and domestic refuse and recycling facilities for the live/work unit hereby approved, have been submitted to and approved in writing by the local planning authority.
(b) The management strategy as approved under part (a) shall be implemented and shall thereafter be permanently continued.

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).

9. (a) A minimum of 2 secure and dry cycle parking spaces shall be provided within the development.
(b) No development works above ground shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
(c) 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).

10. (a) No development above ground level shall commence on site until drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability and other means of drainage of hard surfaces) have been submitted and approved in writing by the local planning

authority.

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

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2015), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

11. The tree protection shall be carried out set out Arboricultural Assessment and Protection method statement - ACS consulting.

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

12. The roof lights hereby approved shall be installed with a light spillage reduction film prior to the occupation of the development hereby approved.

Reason: In order to reduce possible light pollution to the night sky and neighbouring properties and to comply with DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

13. (a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.
- (b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.
- (c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

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

14. No process shall be carried on nor machinery installed which could not be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

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 of the Development Management Local Plan (November 2014).

15. (a) The live/work unit shall be occupied as a single integrated unit and laid out as shown on drawing nos. 284.CH.100.PL.04 Rev A and 284.CH.100.PL.05 Rev A hereby approved.

- (b) The business floor space of the live/work unit and excavation of the external space to the rear shall be finished ready for occupation/use before the residential floor space is occupied and the residential use shall not precede commencement of the business use.
- (c) The residential floor space of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the business floor space of that unit, a widow or widower of such a person, or any resident dependents.
- (d) The business floor space of the live/work unit shall not be used for any purpose other than for purposes within Class [B1] in the Schedule to the Town and Country Planning (Use Classes) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modifications.

Reason: In order to enable the local planning authority to control any future change of use or subdivision of the property in the interests of protecting the commercial floor space at ground floor level in accordance with Core Strategy Policy 5: Other employment locations and to ensure an acceptable standard of amenity is provided in the upper floor residential unit in accordance with Core Strategy Policy 1: Housing provision, mix and affordability and with DM Policy 30 Urban design and character of the Development Management Local Plan (November 2014).

Informatives

- A. **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 and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.
- B. The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.
- C. As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- D. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.

- E. The land contamination condition requirements apply to both whole site and phased developments. Where development is phased, no unit within a phase shall be occupied until a), b) and c) of the condition have been satisfied for that phase.

Applicants are advised to read 'Contaminated Land Guide for Developers'(London Borough's Publication 2003), on the Lewisham web page, before complying with the above condition. All of the above must be conducted in accordance with DEFRA and the Environment Agency's (EA) - Model Procedures for the Management of Land Contamination.

Applicants should also be aware of their responsibilities under Part IIA of the Environmental Protection Act 1990 to ensure that human health, controlled waters and ecological systems are protected from significant harm arising from contaminated land. Guidance therefore relating to their activities on site, should be obtained primarily by reference to DEFRA and EA publications.

- F. You are advised to contact the Council's Drainage Design team on 020 8314 2036 prior to the commencement of work.
- G. In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.
- H. The assessment of the light spill and lux level at the window of the nearest residential premises shall follow the guidance provided in The Institution of Lighting Engineers, Guidance Notes for the Reduction of Obtrusive Light.
- I. The applicant be advised that the details to be submitted pursuant to this permission should have regard to the principles of energy and natural resource efficiency through their design, orientation, density and location, in compliance with Policy 8 Sustainable design and construction and energy efficiency of the adopted Core Strategy (June 2011).
- J. Condition 3 and 4 requires details to be submitted prior to the commencement of works due to the importance of protecting residential amenity from construction impacts and to ensure appropriate remediation of potentially contaminated land.