

PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 13 FEBRUARY 2014 TIME 7.30 PM**

PLACE: **ROOM 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU**

Members of the Committee are summoned to attend this meeting:

Membership

Councillors:

Paul Bell (Chair)

Helen Gibson (Vice-Chair)

Pauline Beck

Liam Curran

Alexander Feakes

Peggy Fitzsimmons

Alan Hall

Stella Jeffrey

Madeliene Long

John Paschoud

The public are welcome to attend our committee meetings, however, occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

Barry Quirk
Chief Executive
5th Floor Laurence House
1 Catford Road
London SE6 4RU
Date: Tuesday, 4 February 2014

For further information please contact:
Patricia Simpson Committee Co-ordinator
3rd Floor Laurence House
Telephone No: 020 8314 6245
Email: planning@lewisham.gov.uk



Order Of Business			
Item No	Title of Report	Ward	Page No.
1.	Declarations of Interests		1 - 4
2.	Minutes		5 - 6
3.	Units 1 & 2 Ashby Mews SE4 1TB	Brockley	7 - 30
4.	Unit D 154 New Cross Road SE14 5BA	Telegraph Hill	31 - 40
5.	21 Montpelier Row SE3 0RL	Blackheath	41 - 52

Committee	PLANNING COMMITTEE (C)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 13 FEBRUARY 2014

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

(1) Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (a) Disclosable pecuniary interests
- (b) Other registerable interests
- (c) Non-registerable interests

(2) Disclosable pecuniary interests are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain.
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:-
 - (a) that body to the member's knowledge has a place of business or land in the borough; and
 - (b) either
 - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or

- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

(3) Other registerable interests

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council;
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party;
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

(4) Non registerable interests

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

(5) Declaration and Impact of interest on member's participation

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.

- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

(6) Sensitive information

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

(7) Exempt categories

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception);
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt;
- (d) Allowances, payment or indemnity for members;
- (e) Ceremonial honours for members;
- (f) Setting Council Tax or precept (subject to arrears exception).

This page is intentionally left blank

Committee	PLANNING COMMITTEE (C)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 13 FEBRUARY 2014

MINUTES

To approve the minutes of Planning Committee (C) meeting held on the 10 October 2013.

This page is intentionally left blank

Committee	PLANNING COMMITTEE (C)	
Report Title	UNITS 1 & 2 ASHBY MEWS SE4 1TB	
Ward	Brockley	
Contributors	Monique Wallace	
Class	PART 1	Date: 13 FEBRUARY 2014

<u>Reg. Nos.</u>	DC/13/85211
<u>Application dated</u>	08.11.2012 and revised 12.12.2013
<u>Applicant</u>	Skyline Design Ltd on behalf of Mr Jeff Lowe.
<u>Proposal</u>	Alterations to existing Units 1 & 2 Ashby Mews SE4 and the construction of extensions at first floor level, to create a live/work unit.
<u>Applicant's Plan Nos.</u>	284.1/2.200.PL.01, 284.1/2.100.PL.01 rev A, 284.1/2.100.PL.02, 284.1/2.100.PL.04 rev B, 284.1/2.100.PL.06 rev A, 284.1/2.100.PL.07 rev B, 284.1/2.200.PL.02 rev A, 284.1/2.1250.PL.01 rev A, 284.1/2.50.PL.01, 284.1/2.100.PL.10 Lifetime Homes Criteria, Sustainability Report, Heritage Statement, Design & Access Statement, Planning Appraisal, CIL & 284.1/2.100.PL.01 A, 284.1/2.100.PL.05 D, 284.1/2.100.PL.03 B received 12/1/13.
<u>Background Papers</u>	(1) Case File DE/98/A1/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	PTAL 4 Brockley Article 4 Direction Brockley Conservation Area Not a Listed Building Unclassified

1.0 Property/Site Description

- 1.1 The application site comprises Units 1 & 2 Ashby Mews, which are single storey commercial buildings. The combined premises has an existing area of 667m². The premises form part of a larger range of commercial/industrial buildings located at the northern end of Ashby Mews within the Brockley Conservation Area.
- 1.2 Unit 1 is located directly to the rear of 1-3 Ashby Road on the eastern side of Ashby Mews, approximately 30m south of the junction with Ashby Road. Unit 2 is located between Units 1 & 3 Ashby Mews.

- 1.3 The combined site comprising Units 1 & 2 Ashby Mews has a frontage onto Ashby Mews of 41.5m. The site is wider at its north end, with a maximum depth of 20m at the north end (abutting the rear of 1-3 Ashby Road). To the rear (eastern boundary) the site abuts the gardens of 62, 64, 66 & 68 Manor Avenue. The southern boundary abuts Unit 3 Ashby Mews and at this point the site is 13.5m in depth.
- 1.4 The buildings occupy much of the site area, save for an area of open yard at the north end of Unit 1, which has recently been enclosed by a 2.5m high wall fronting the Mews, accessed by double gates. The wall and gates were constructed without planning permission. The premises comprises a number of building elements.
- 1.5 In the north part is a flat roofed building with a 2.5m wide frontage onto the Mews, measuring 4m in height which spans the depth of the site. This building, forming part of unit 1 Ashby Mews abuts 1-3 Ashby Road from which it has been internally divided at some point in the past. It currently has southerly facing windows onto the yard. There is a small tea kitchen to the front (9m²), an office (11.2m²) in the centre of the building and a 65.9m² workshop to the rear (east).
- 1.6 Set up to 6.6m (maximum) back from the Ashby Mews frontage, spanning 11.8m deep to the rear boundary (east), is a single storey building 4m in height to the eaves, with a shallow pitched roof, with a ridge height of 6.5m and with a large area of glazing. This building measures 25.5m in width, abutting Unit 2 Ashby Mews and comprises a large, 279m² open plan studio space.
- 1.7 Juxtaposed between the pitched roof building to the rear (described above), the yard to the north, the Mews to the west and Unit 2 Ashby Mews to the south is a further, flat roofed, single storey building, measuring 21m in width and 3.1m in height which has windows and doors directly onto from Ashby Mews. This building comprises a workshop (21.7m²), storage (10.3m²), printmaking area (16m²), a tea kitchen (15m²) and 4 toilets.
- 1.8 Unit 2 Ashby Mews comprises a flat roofed building, between the southern flank of Unit 1 and the northern flank of Unit 3 Ashby Mews. The building covers the entire plot (unit 2 only) measuring 13.5m in depth, with an 8.6m frontage to the Mews. It is accessed via a door and roller shutters onto Ashby Mews, and is currently used for storage.
- 1.9 The buildings, together with those to the north and south of the site, have a history of commercial/industrial use, and all abut the rear gardens of residential properties on the west side of Manor Avenue.
- 1.10 This site, along with Units 3 & 4, and the land at 5 Ashby Mews and Nos 1-3 Ashby Road appear to have had a long history of industrial/commercial use; Units 1-5 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.
- 1.11 The current buildings appear largely interwar, with the offices fronting Ashby Road (nos. 1-3 Ashby Road) constructed in the 1960s. Following the departure of Hodder and Stoughton in the late 1970s, the Mews buildings were sub-divided into small units (Units 1-5 Ashby Mews). The offices (1-3 Ashby Road), together with a storage area to the rear, were leased by the Council for a number of years and used as offices.

- 1.12 Unit 5 Ashby Mews was destroyed in a fire and the building has been demolished and the site cleared. Although all the units are single storey, heights range from 3.7 metres to 7.0 metres, with units 3 & 4 having large 'saw tooth' gabled roofs which at the apex are equivalent in height to a two storey building.
- 1.13 The opposite side of the Mews, occupying the rear of properties in Upper Brockley Road, was similarly occupied with smaller scale workshop units. However, most of these have now reverted to domestic garaging and are attached to properties in Upper Brockley Road which were refurbished in the 1990s. Only a few commercial units remain on that side of the Mews, including an attractive two storey Victorian stable to the rear of 81/83 Upper Brockley Road.
- 1.14 The Mews continues to Geoffrey Road and beyond the site of Unit 5, 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.
- 1.15 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. The broader section of Mews immediately to the south of Unit 5, suffers from periodic fly tipping.
- 1.16 The Brockley Conservation Area is covered by an Article 4 Direction.

2.0 Pre-application discussions

- 2.1 On the 5th of September 2012, officers provided design comments to the applicant in response to application reference DC/12/81831 (this application remains undetermined) for the alteration and conversion of Units 1 & 2 Ashby Mews SE4, together with the replacement of the front boundary wall and the construction of a first floor extension to provide a live/work unit comprising 217.4m² of self contained residential accommodation and a roof terrace at first floor level and 570m² of B1(c) commercial space (as existing) at ground floor level. Comments were provided in order to facilitate a meeting to discuss the proposals.
- 2.2 To summarise, the design comments concluded that two storeys is not acceptable across the entire width of the 2 plots. Such a height creates a very bulky appearance that is overbearing for the narrow Mews lane. It was felt that the development could incorporate two storeys over part of its plot, but not its entire width. It was also advised that the two storey element should not abut number 3 Ashby Mews as this has an attractive and interesting 'Saw tooth' roof feature which would be compromised if the proposed 2 storey element is located directly adjacent to it. Comments were also provided regarding refuse storage/collection.
- 2.3 On the 14th September 2012, the Council's Urban Design Officer and the case officer met with the applicant and his agent to discuss the outstanding application (DC/12/81831). In response to the comments raised at the meeting, the applicant submitted the current application (DC/13/85211).

3.0 Planning History

- 3.1 DC/12/81831 - Units 1 & 2, Ashby Mews - The construction of an additional storey above Units 1 & 2 Ashby Road to provide a two bedroom self-contained flat with Juliette balcony and roof terrace. This application remains undetermined.
- 3.2 On 20 November 1992, an appeal against two enforcement notices was allowed in respect of the use of Units 2 & 4 Ashby Mews as a Laundry. The decision granted planning permission, personal to the then occupier for a temporary period of three years.
- 3.3 The application site once formed part of the larger development which fronted Ashby Road; officers consider it prudent to also refer to planning history and recent planning applications in respect to nearby properties at 1-3 Ashby Road, Units 1-4 and the land at 5 Ashby Mews and land to the rear of 81 to 83 Upper Brockley Road.
- 3.4 DC/06/61742 - 1-3 Ashby Road - An application was received 10 February 2006 for the demolition of the existing Council offices at 1-3 Ashby Road and the construction of a part single/part three storey building, plus basement, to provide a 22 bedroom care home. This application was withdrawn by the applicant 21 April 2006.
- 3.5 DC/06/63649 & DC/06/63650 - 1-3 Ashby Road - Planning permission and Conservation Area Consent were refused 30 November 2006 for the demolition of the existing Council offices at 1-3 Ashby Road and the construction of a part two/part three storey building, to provide an 18 bedroom care home and 3 car parking spaces. There were 2 reasons for refusal; one being scale, bulk and mass and generally poor design, whilst the second referred to the negative impact upon neighbouring amenity due to the close proximity of the proposed building to the existing nearby residential houses. In dismissing a subsequent appeal on 18 August 2008, the Planning Inspector raised concerns regarding parking and congestion, and concluded that the scale and design of the proposed building would neither preserve or enhance the Brockley Conservation Area. Conservation Area Consent was refused for the substantial demolition of 1-3 Ashby Road on 28 August 2007 (DC/07/66015) as there was no agreed scheme of development in place.
- 3.6 DC/09/71245 - 1-3 Ashby Road - Planning permission was refused on 5 August 2010 for the conversion of the building to a 14 bedroom care home, including part single/part two storey extensions to the existing building. This application was refused due to an increase in on-street parking in an already heavily parked area.
- 3.7 DC/12/ - 1-3 Ashby Road – A planning application submitted in December 2012 for alterations, extensions and change of use to a day nursery was withdrawn by the applicants on 14 June 2013.
- 3.8 November 17 2009 – Conservation Area Consent and Planning Permission were granted for the demolition of the existing buildings at Units 2, 3, 4 & 5 Ashby Mews SE4 and the construction of a part single/part two storey block comprising 5 commercial B1 units, together with the provision of 3 car parking spaces, internal bicycle storage and refuse storage area. The decisions were issued 3 September 2009, under references DC/08/68761 and DC/08/68580.

- 3.9 Details of facing materials, a scheme to minimise the threat of dust pollution, external lighting and details of biodiverse living roofs submitted in compliance with Conditions (1), (3), (4) & (11) of the above planning permission (DC/08/68761) were approved on 16/11/12. Reference DC/12/81502.
- 3.10 Planning permission was granted on 4 February 2013 for alterations to Unit 3, Ashby Mews SE4, including replacement roofs, the installation of roof lights, doors and a circular window to the front.
- 3.11 On the 18 July 2013, Members of Planning Committee C resolved to grant planning permission, subject to the completion of a S.106 for the following two proposals.
- 3.12 Upon the completion of the S.106, planning permission and Conservation Area Consent was granted on the 20th November 2013 for the construction of a two storey building to provide a live/work unit comprising three bedroom residential unit and ceramicist studio space at Unit 4 Ashby Mews. Reference numbers TP: DC/12/79664 and CAC: DC/12/79918.
- 3.13 Upon the completion of the S.106, planning permission was granted on the 3rd December 2012 for the construction of a two storey live/work unit, at 5 Ashby Mews, comprising a studio at ground floor level and living accommodation at first floor level.
- 3.14 An application was submitted on the 19th November 2012 for 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. This application was withdrawn by the applicant on the 17/10/13. (DC/12/81933).
- 3.15 An application for a Certificate of Lawfulness (Existing) in respect of the use of the land and premises to the rear of 81-83 Upper Brockley Road as a workshop and storage yard for the business of polishing and cutting stone with associated storage of stone (Use Class B2) was issued on the 11th November 2013.

4.0 Current Planning Application

The Proposals

- 4.1 The proposal is an amended scheme for extensions and alterations to the existing Units at 1 & 2 Ashby Mews including the construction of extensions at first floor level, to create a live/work unit.
- 4.2 The proposed live/work use is a mixed use (sui generis) which does not fall within a use class in the context of the Town and Country Planning Use Classes Order 1987 (as amended).
- 4.3 The development proposes commercial use at ground floor level as per the existing arrangement, with a first floor addition to create living accommodation. The first floor residential accommodation would have a total floor area of 200m² and would be accessed via proposed double doors in the south western corner of Unit 1, or internally via a door leading to the existing commercial areas.

- 4.4 The first floor addition would cover the west part of Unit 1, and most of Unit 2, resulting in a predominantly two storey elevation to the Mews frontage. The extension would be 35.6m long on the Mews frontage and would vary in depth. The existing single storey, flat roofed building to the north (currently comprising a tea kitchen, office and workshop) and the pitched roof studio to the rear (east) will not be extended as part of the current proposals.
- 4.5 The proposed first floor addition would extend over the majority of the existing yard area at the north of the site, save a 4.7m wide area (at its widest point fronting Ashby Mews) and a 8.1m deep area which is to be covered with a flat roof to provide a covered yard with car and cycle parking.
- 4.6 The ground floor of the proposed live/work unit would largely remain as per the existing layout; in part of the ground floor which fronts the Mews to the south of Unit 1 Ashby Mews there would be a reduction in storage space, to provide a proposed bin store while the tea kitchen and 2 of the existing toilets would be replaced with an entrance lobby and stairs leading up to first floor level.
- 4.7 The entire building fronting the Mews is proposed to be extended and refurbished with a range of façade design treatments.

Unit 1 - West

- 4.8 A first floor extension is proposed over the single storey building at the front part of unit 1, between the Mews and the pitched roof studio element to the rear. The form of the extension would loosely follow the style of a mansard roof, though with a vertical façade, from the existing ground floor boundary wall and mews facade, creating an additional 3m in height to the eaves, then a further sloping element of 1.2m to the ridge, sloping back towards the pitched roof studio to the rear. This first floor/roof addition would be 17.6m in length along the Ashby Mews frontage.
- 4.9 The total height abutting the Mews would be 5.8m to the eaves, and 7.255m to the ridge of the 60 degree pitched element of the mansard style roof. The proposed first floor and roof structure would comprise stainless steel standing seam cladding, punctuated with east facing roof lights, (towards the houses in Manor Avenue), a north facing floor to ceiling window, with outlook onto the two storey southern flank of 1-3 Ashby Road and aluminium windows aligned with the existing windows and doors at ground floor level, all with outlook to the west onto Ashby Mews.
- 4.10 The existing render finish is to be removed, and a dark grey engineering brick is proposed as a plinth, with yellow stock brick proposed up to first floor level.
- 4.11 This element of the extension would create a kitchen/living area with a floor area of 90.7m². The proposed live/work unit would have a total living area of 200m².
- 4.12 A flat roof is proposed to cover the remainder of the existing yard, with 2 roof lights, surrounded by a 0.15m high parapet wall.
- 4.13 At ground floor level, car and cycle parking is proposed, as well as a 21.7m workshop (as existing), a 10.3m² bin store, and a 16m² print making area (as existing).

Unit 1 – South west

- 4.14 Continuing in a southerly direction, the first floor would be extended, albeit with a different roof form, for 8.3m along the remainder of the western elevation of Unit 1.

- 4.15 The appearance of this element seeks to replicate a stand alone, two storey, plus shallow, centrally pitched (running from west to east) roof property, stopping at the existing single storey pitched roof to the rear of the site. This element of the first floor addition would extend upwards from the existing single storey building below and would measure 4.1m in height, creating a ground level to ridge height of 7m and 5.6m to the northern eaves, and 5m to the southern eaves.
- 4.16 The materials proposed for this section of the proposed development are dark grey, smooth engineering bricks, punctuated by aluminium framed windows at first floor level fronting the Mews, of a differing layout and location to those existing at ground floor level.
- 4.17 The first floor would comprise a large 20.6m² landing with stairs, whilst the ground floor would be reconfigured to provide space for a lobby area and stairs up to first floor level.

Unit 2

- 4.18 This element proposes a further, separate identity to the other parts of the first floor addition, it would span the depth of Unit 2 Ashby Mews (measuring from east to west), save a 0.4m set back from the Mews and a 1.5m set back from the eastern elevation abutting the garden of 68 Manor Avenue. This character element, would form a modern version of the adjacent saw tooth roof design of Unit 3 Ashby Mews.
- 4.19 A gable wall, tapering to a pitch with a southern emphasis, fronting Ashby Mews would again continue vertically from the existing single storey building, creating a combined height measuring 5.5m at the northern eaves level, 3m at the southern eaves level, abutting Unit 3 Ashby Mews and 7.2m in height at the highest point from ground level. A series of roof lights are proposed facing south with outlook towards the pitched roof of Unit 3 ashby Mews. Roof lights are also proposed in the northern roof slope with northerly views across the pitched roof above the studio to the east of the site.
- 4.20 This unit would have a plinth of dark grey smooth engineering brick on the mews facade and yellow stock brick for the remainder of the façade. Aluminium windows on the Mews façade would be at ground and first floor level, grouped together and centrally positioned with a vertical emphasis. Two further windows are proposed in the northern flank, either side of the pitched roof of the studio to the east.
- 4.21 The ground floor of Unit 2 Ashby Mews already extends to the garden of 68 Manor Avenue. The proposed first floor addition would be set back from the eastern common boundary, leaving a 1.5m mono pitched roof above the existing, remaining single storey portion of Unit 2 and would be fully glazed, set behind a 3.3m high wall, including the parapet.
- 4.22 The ground floor would continue to comprise a 109.4m² storage area, with light gained from the pitched roof, set behind the parapet wall to the rear and a series of windows fronting Ashby Mews.

- 4.23 The residential floor space at first floor level would comprise a bedroom (floor area 19m²) to the rear (east of the unit), have three roof lights, and a north facing vertical window. The bathroom to the south would measure 19m² and gain light and ventilation from a series of roof lights facing south. The bedroom to the front would have a floor area of 37.6m², it would gain light, outlook and ventilation from roof lights within the southern roof plane, and from westerly facing windows providing an outlook onto Ashby Mews.

Supporting Documents

- 4.24 A Design and Access Statement and a Heritage Statement were submitted with the application and describes the internal layout of the development. The document explains the design philosophy of the proposal in the context of the Brockley Conservation Area.
- 4.25 The Design and Access Statement explains how the revised design seeks to address concerns raised in pre-application discussions.
- 4.26 A Sustainability Report, Lifetime Homes Criteria statement and drawing, scaled at 1:50 was submitted, setting out the sustainability credentials of the proposed development.
- 4.27 A Planning Appraisal, by BPTW was also submitted with the planning application documents which sets out the recent planning history of the Mews and the material considerations for the current proposal.
- 4.28 The document concludes by stating that the proposed design would be compatible with the character of the Mews and with recently approved schemes; the height, scale and mass is appropriate in the context of a previous approved scheme; there has been no significant change in policy; would not cause harm to adjoining occupiers or traffic or parking and; the proposals are of high quality and comply with the Council's planning policies.

5.0 Consultation

- 5.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 5.2 Site notices were displayed at the front of the application building whilst a Public Notice was placed close to the entrance to Ashby Mews on Ashby Road.
- 5.3 Letters were sent to 96 residents and business within Manor Avenue, Upper Brockley Road and Ashby Mews. The relevant ward Councillors were also consulted.

Consultation

Written Responses received from Local Residents and Organisations

Amenity Societies Panel

- 5.4 The Panel felt that this scheme was much improved but suggested that the proposed saw tooth roof should mirror the existing one at Unit 3. The cladding to the first floor Mews frontage should also have a dark non-reflective finish. Stainless steel was therefore not considered appropriate in this location. More interesting fenestration to this elevation was also suggested.

Brockley Society

- 5.5 We consider the design of the buildings to be appropriate, and the materials proposed for construction of high quality. Having witnessed the refurbishment of Unit 3 into a gallery, we also consider that the buildings at Units 1 & 2 will be re-developed to a high specification by contractors with skill.

Neighbours

- 5.6 Fifteen representations were received comprising one neutral comment, 8 in support and 6 objecting to the proposed development.
- 5.7 The representations came from the occupiers of 55b, 58, 62, 68, 74 and 89b Manor Avenue, 137 and R/O 143 Upper Brockley Road, 27 Pendrell Road, 211a Malpas Road, 4 Ashby Mews and 20 Wickham Road. Two further representations were received from outside the Brockley Area from Hither Green and Forest Hill.
- 5.8 The comments are summarised as follows;

Objections

The letters in objection raise the following issues and concerns:

- The reflection from the roof lights could result in glare towards the back of my house. (Manor Avenue resident)
- The north facing windows would result in a loss of privacy to my back windows. (Manor Avenue resident)
- The proposed roof lights are too large in comparison to those within the area
- If the flat roof would be used as a terrace would affect our property (Manor Avenue resident).
- Ashby Mews does not have the infrastructure to accommodate residential use
- Approving the proposal would lead to a precedent set for residential development within the Mews.
- The live element of the unit far outweighs the work element of the proposed development which is inappropriate in the mews setting.
- There would be a reduction in employment
- There would be an increase in traffic
- The principle of living accommodation within the Mews is against long standing Council policy.
- Ashby Mews was never intended for residential use which would be occupied 24 hours a day leading to constant noise and disturbance from the Mews and no respite for the nearby residential occupiers.
- The residential units would decrease the flexibility of the commercial spaces prevent other small businesses from using them.

- Ashby Mews is not an adopted road, and therefore the residential users would unfairly use the Mews which is maintained at the equally shared cost of the commercial units.
- There is insufficient parking for visitors to the mews.
- The use of the Mews buildings for the creative industry is welcomed, but the residential use is unnecessary.

Neutral comments

- The plans are unclear as to whether there is a parapet adjoining the area of flat roof (to the north of the site).
- The windows overlooking the skylights (to the north) might be patio doors which could result in overlooking.

Supportive comments

- The style of buildings and proposed materials is perfect for the Mews setting.
- The massing and roofscape is perfect
- The change of use would provide security, employment and an artistic culture to the Mews.
- The change of use would be good for the environment.
- Since the occupation of the applicant at Unit 3 Ashby Mews, the Mews has transformed a fly-tipping area to a place that facilitates community engagement.
- The proposal will see a run down, messy, dark and potentially dangerous Mews being given a new lease of life

(Letters are available to Members)

Highways and Transportation

5.9 No objection.

6.0 Policy Context

Introduction

6.1 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.

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)

6.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

6.3 The NPPF was published on 27th 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 that (paragraph 211), 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)'.

6.4 Officers have reviewed the Core Strategy and saved UDP policies 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.

Ministerial Statement: Planning for Growth (23 March 2011)

6.5 The Statement sets out that the planning system has a key role to play in rebuilding Britain's economy by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The Government's expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

6.6 The statement further sets out that local authorities should reconsider at developers request, existing Section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed, provided this continues to ensure that the development remains acceptable in planning terms. [Delete if not relevant]

Other National Guidance

6.7 The other relevant national guidance is:

By Design: Urban Design in the Planning System - Towards Better Practice (CABE/DETR 2000)

Safer Places: The Planning System and Crime Prevention (ODPM, April 2004)

Code for Sustainable Homes Technical Guide (DCLG/BRE, November 2010)

London Plan (July 2011)

6.8 The London Plan 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 5.4 Retrofitting
Policy 5.7 Renewable energy
Policy 5.13 Sustainable drainage
Policy 5.21 Contaminated land
Policy 5.22 Hazardous substances and installations
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 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

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

Industrial Capacity (2008)

Housing (2012)

Sustainable Design and Construction (2006)

Planning for Equality and Diversity in London (2007)

Core Strategy

- 6.10 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

Unitary Development Plan (2004)

- 6.11 The saved policies of the UDP relevant to this application are:

URB 3 Urban Design

URB 6 Alterations and Extensions

URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas

ENV.PRO 10 Contaminated Land

ENV.PRO 11 Noise Generating Development

ENV.PRO 12 Light Generating Development

HSG 4 Residential Amenity

HSG 5 Layout and Design of New Residential Development

HSG 10 Conversion of Office and other Commercial Space to Residential Accommodation

Residential Standards Supplementary Planning Document (August 2006)

- 6.12 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.

Planning Obligations Supplementary Planning Document (January 2011)

- 6.13 This document sets out guidance and standards relating to the provision of affordable housing within the Borough and provides detailed guidance on the likely type and quantum of financial obligations necessary to mitigate the impacts of different types of development.

- 6.14 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.

Emerging Plans

- 6.15 According to paragraph 216 of the NPPF decision makers can also give weight to relevant policies in emerging plans according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).
- 6.16 The following emerging plans are relevant to this application.

Development Management Plan

- 6.17 The Development Management Local Plan – Submission Version, is a material planning consideration and is growing in weight. The plan was submitted to the Planning Inspectorate on 15 November 2013 and an Examination in Public is expected in late February 2014. Therefore, in accordance with the NPPF, the weight decision makers should accord the Submission Version should reflect the advice in the NPPF paragraph 216.
- 6.18 The following policies are considered to be relevant to this application:
- | | |
|--------------|--|
| DM Policy 1 | Presumption in favour of sustainable development |
| DM Policy 9 | Mixed use employment locations |
| DM Policy 11 | Other employment locations |
| | <ul style="list-style-type: none">• <i>Sites in residential areas</i>• <i>All sites</i> |
| 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 |
| | <ul style="list-style-type: none">• <i>General principles</i> |

- *Detailed design issues*
- DM Policy 31 Alterations and extensions to existing buildings including residential extension
- DM Policy 32 Housing design, layout and space standards
- *Siting and layout of development*
 - *Internal standards*
- 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
- *A. General principles*
 - *B. Conservation areas*
- DM Policy 41 Innovative community facility provision
- DM Policy 43 Art, culture and entertainment facilities

7.0 Planning Considerations

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

- Principle of Development
- Design and Conservation
- Standard of living accommodation proposed
- Impact upon neighbouring amenity
- Highways and Traffic Issues
- Sustainability
- Planning Obligations

Principle of Development

7.2 The first consideration is whether the principle of a live/work development is acceptable.

7.3 The application premises is not identified as Local Employment Land in the Core Strategy and therefore falls within the definition of 'other employment land'. Core Strategy Policy 5 states that the Council will protect the scattering of employment locations throughout the borough and that other uses including retail, community and residential will be supported 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. 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.

7.4 Planning permission was granted in 2009 for the demolition of the existing buildings at Units 2,3,4 and 5 Ashby Mews and the construction of a block of five commercial B1 units. Although details pursuant to a number of conditions of the permission were subsequently approved, this development has not been taken

forward. Given the recent alterations carried out at 3 Ashby Mews, and the recent planning permission granted for Unit 4 and the land at 5 Ashby Mews, it is considered unlikely that this development would be likely to proceed in the approved form.

- 7.5 The proposed building would retain all of the existing 492m² of workspace, together with only a slight reduction in ancillary facilities, being the loss of toilets and some storage space. The proposal would therefore continue to provide a significant amount of work space.
- 7.6 The application proposal is for a live/work unit which is a mixed use comprising a work space with living accommodation. Commercial floorspace would continue to be provided and would enable the property to continue to contribute to the economy of the borough and to the provision of work space for the creative industry sector by the provision of appropriate work spaces.
- 7.7 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.
- 7.8 Concerns have been raised in objections to the proposals about the introduction of residential use to Ashby Mews. The conservation area appraisal and SPD contain a presumption against residential development in most Brockley Mews.
- 7.9 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 indifferent quality. In addition the provision of rear gardens for the new dwellings 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 the presumption against residential development is intended to prevent such unsympathetic backland development.
- 7.10 In this case the current proposal is for the extension and alteration of an existing warehouse/workshop style building in a stretch of Mews which has a more commercial character. There would be no loss of existing garden space. It is therefore not considered that the proposal would set a precedent for the development of rear garden areas fronting Ashby Mews or other Mews within Brockley. For the above reasons, officers consider the principle of a live/work unit to be acceptable, subject to compliance with other relevant policies.

Design and Conservation

- 7.11 The application proposes significant alterations to the existing elevations fronting Ashby Mews and the creation of an additional storey to the front (west) and southernmost elements within the Brockley Conservation Area and therefore it is necessary to assess the impact upon the character and appearance of the conservation area.

- 7.12 The Brockley Conservation Area Character Appraisal refers to several Mews service roads as “leafy lanes containing many mature trees, single-storey garaging and workshops with views to the rears of properties and long verdant gardens.”
- 7.13 The northern end of Ashby Mews is not typical of the Mews settings to which the Brockley SPD refers. This part of Ashby Mews contains buildings with gable frontages up to 7m in height which are part of a larger range of commercial buildings.
- 7.14 On the opposite side of the Mews, the former stable building to the rear of 81/83 Upper Brockley Road has a one and a half storey gable wall fronting the Mews. Unit 1 Ashby Mews has a taller pitched roof, which is set back from the Mews frontage, but with a greater mass than the single storey garaging typically found fronting the remainder of Ashby Mews and other Mews service roads in the area.
- 7.15 The northern part of Ashby Mews, with development on both sides of the Mews road, of varying heights, has a more commercial character. The varying heights and roof lines of the existing buildings allow wide intermittent gaps with views through to the residential rear elevations of properties fronting Manor Avenue and Upper Brockley Road. If planning permission is to be approved for replacement buildings, or extensions to existing buildings, these interrupted views should be maintained.
- 7.16 The proposed first floor extension averages 5.8m in height, hard up against the Mews with a length of 34m; over the 5.8m height, punctuations are featured at a maximum width of 2m and approaching 7m in height.
- 7.17 The typical punctuation gaps found between the ‘saw tooth’ buildings are from 3m in height at single storey level, with a gap of over 8m in width approaching the 7m height at the tip of the gable. The coach house opposite Units 1 and 2, represents the only two storey sized building on the western side of this section of the Mews and this building also features a gable roof design.
- 7.18 The majority of the Mews buildings in the immediate vicinity are typically single storey in height, with tall gable walls intermittently interrupting the pattern of development. 1-3 Ashby Road is a part single, part two storey building, with the two storey element facing onto Ashby Road which has a different character to the Mews and is one of the smaller streets that bisect the wide tree-lined roads that run north-south and characterise the conservation area. The rear of 1-3 Ashby Road steps down to single storey level as it continues into the Mews. This massing arrangement was clearly intended to maintain the relatively modestly sized buildings within the Mews.
- 7.19 With regard to the approved schemes at Unit 4, and the land at 5 Ashby Mews, while they are both two storey, it is considered that both proposals achieve the required level of punctuation either by virtue of the distance from and appearance of the adjacent buildings. In the case of No.5, which is a relatively larger plot (although with a much smaller frontage to the Mews than the application site) the approved scheme shifts the mass away from Unit 4 towards the exposed areas within the Mews. The Mews frontage widths of Units 3, 4 and 5 Ashby Mews are 11m, 13.7m and 15.9m respectively. In contrast, the combined Mews frontage of the first floor extension to Nos.1 and 2 would be 35.6m.

- 7.20 In the case of the current proposal, officers consider the expanse of a two storey façade, with minimal punctuations between gable walls, to be inappropriate for this Mews environment, which is characterised by a much smaller grain.
- 7.21 The proposed first floor addition comprising the kitchen/living area would be 19m in length. This combined with a heavy, stainless steel material, framed by a dark grey colour brick would provide an overbearing and utilitarian appearance to the Mews.
- 7.22 The two storey mass continues along the Mews, albeit in differing materials and roof design; for a further 8.2m southwards, a gable wall with a minimum eaves height of 4.9m comprising dark grey colour brick, would further exacerbate the overbearing appearance of the first floor addition. This is then continued by a further 8.4m along the frontage of Unit 2 Ashby Mews, which also has a tall eaves at a height of 5.6m.
- 7.23 Officers consider that the proposed level of punctuation significantly fails to sufficiently dissipate the mass of the first floor addition and therefore does not maintain the required levels of views and light from the Mews, through to the properties on Manor Avenue.
- 7.24 The visual character of the Mews is of single storey buildings which have a horizontal emphasis, with some taller single storey and a small number two storey buildings which have a vertical emphasis. The current scheme proposes a two storey development with a horizontal emphasis, which is unsuitable for the modest size and building typologies within the Mews.
- 7.25 Officers consider the proposed choice of materials to be unacceptable in this instance. The design, coupled with the proposed choice of materials for the buildings, would exacerbate the heavy mass of the proposed first floor addition to the Mews, contrary to the modest collection of individual buildings.
- 7.26 Officers note that the materials proposed for the current proposal were approved for the developments at Unit 4 and the land at 5 Ashby Mews. However, for those properties, the fenestration and massing of those buildings rendered the schemes to be appropriate in this location. That said, to ensure the suitability of the materials, officers are still to consider physical samples to be submitted as per conditions attached to the decision notices which are to be discharged prior to the commencement of works.

Standard of residential accommodation

- 7.27 In the context of a live/work unit, a level of flexibility in terms of residential standards and amenity space is acceptable.
- 7.28 In relation to the standard of residential accommodation, the proposed accommodation is considered generally to be of a good standard. The habitable room sizes proposed all generously exceed the relevant policy requirements.

The open plan living space and one of the first floor bedrooms have direct outlook on to Ashby Mews to the west. The second bedroom at first floor level would be lit by roof lights and a north facing vertical window which is considered to be acceptable. No external amenity space is proposed as part of the scheme.

Neighbour Amenity

- 7.29 The main outlook from the proposed first floor addition would be towards the Mews road.
- 7.30 In addition to the windows facing onto the Mews, two windows are proposed within the flank of unit 2 at first floor level; both would be north facing, placed to either side of the pitched roof above the existing studio.
- 7.31 The westernmost window above Unit 2 would have northerly views restricted by the pitched roof of the existing, single storey studio and the pitched roof of the proposed 1st floor addition.
- 7.32 The eastern flank window would have outlook in a northerly direction, of the eastern roof slope over the existing studio and far reaching, obscured views over the rearmost sections of the gardens of 62, 64 and 66 Manor Avenue.
- 7.33 Officers are satisfied that there would be no direct overlooking from the proposed live/work unit into the residential properties fronting Manor Avenue. First floor windows facing the rear of properties in Upper Brockley Road would not give rise to significant intrusion by reason of the separation distances to those properties.
- 7.34 Neighbours have raised objections to the potential for noise and disturbance to be caused by the residential use of the live/work unit. 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.
- 7.35 Officers are satisfied that the use of the application site for live/work would not significantly compromise the amenities of the nearby residential occupiers.
- 7.36 An element of residential occupation within the Mews would provide a degree of natural surveillance with regard to fly tipping and unsocial behaviour which has taken place within the Mews. Officers consider that the mass of the proposed first floor addition, combined with the proposed materials would not be conducive to enhancing perceptions of safety when walking through the Mews. Therefore, for the reasons set out in the Design and Conservation section of this report, officers consider that the presence of windows and activity directly onto the Mews, on balance, does not outweigh the poor design and massing, which in itself would decrease perceptions of safety for pedestrians using the Mews.
- 7.37 On balance, officers consider that the proposed design, mass and choice of materials would reduce perceptions of safety and therefore, is unacceptable.

Highways and Traffic Issues

- 7.38 Off-street parking is proposed within the confines of the proposed development. The existing yard area is to be partially covered by the first floor addition, but the car parking space and vehicular access thereto is to remain.
- 7.39 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.

- 7.40 Cycle storage is proposed, adjacent to the car parking space within the building, which is dry and secure and therefore is also considered to be acceptable.
- 7.41 A 10.3m² bin store is proposed at the front of Unit 1. It is noted that the developer at Unit 4 Ashby Mews has advised that it is intended that a communal bin store would be provided at Unit 1 that would also provide for other units within the Mews. In the case of Units 4 and 5 a condition has been imposed, requiring details of refuse storage, collection and management arrangements.

Sustainability

- 7.42 Sustainability and Lifetime Homes report was submitted with the application documents, setting out the sustainability credentials of the proposed development.
- 7.43 The Core Strategy requires all new residential development to achieve a minimum Code Level 4 and to achieve Lifetime Homes and for all other developments, schemes should achieve a BREEAM rating of Excellent. As the proposal is for a live/work development, the BREEAM standards should apply, however as residential accommodation is proposed, elements of the Code for Sustainable Homes and Lifetime Homes should be applied where practicable.
- 7.44 Officers are satisfied that the submitted information indicates that the building would be acceptable in relation to sustainability. If the application were otherwise acceptable, then a condition securing the proposed sustainability measures could be added to the decision notice.

Planning Obligations

- 7.45 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
- 7.46 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.
- 7.47 The Planning and Compensation Act (PCA) 1991 introduced rolling time limits within which local planning authorities can take planning enforcement action against breaches of planning control. The time limits are:
- four years for building, engineering, mining or other operations in, on, over or under land, without planning permission. This development becomes immune from enforcement action four years after the operations are substantially completed

- four years for the change of use of a building, or part of a building, to use as a single dwelling house. Enforcement action can no longer be taken once the unauthorised use has continued for four years without any enforcement action being taken

7.48 The loss of employment land within Ashby Mews would be contrary to the provisions of Core Strategy Policy 5 Other employment locations which states that the 'Council will protect the scattering of employment locations throughout the borough...' The justification text for the policy at paragraphs 7.29 and 7.30, states that 'There is a strong recognition of the importance of creative industries to the borough's economy... The policies therefore seek to retain business premises housing creative industries.'

7.49 If the development were otherwise acceptable, to ensure that the work element of the live/work unit cannot benefit from the provisions of the Planning and Compensation Act 1990, officers would deem it necessary to require the applicant to enter into a S.106 obligation, identifying the living and working areas within the application building, to ensure that the areas identified as work space could not subsequently be changed to residential use.

7.50 The aforementioned approach was applied to the recently granted live/work units at Unit 4 and land at 5 Ashby Mews.

7.51 Officers consider that the obligations outlined above would be appropriate and necessary in order to mitigate the impact of the change of use and make the development acceptable in planning terms, if the proposal was otherwise acceptable. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

8.0 Local Finance - Community Infrastructure Levy

8.1 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).

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

8.3 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.

9.0 Conclusion

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

9.2 On balance, Officers consider that the proposed substantial increase in mass at first floor level cumulatively result in the loss of the important variations in height and voids to the Mews frontage.

- 9.3 As a result the proposal would alter the character of this part of the Mews by creating a more uniform frontage to the development, and establishing a presence that does not reflect the existing subordinate relationship between the houses on Upper Brockley Road and Manor Avenue and the Mews, which is considered harmful to the character of this conservation area.
- 9.4 For the reasons set out above, the proposed development is considered to be unacceptable and should therefore be refused.

10.0 **RECOMMENDATION** Refuse Planning Permission for the following reason;

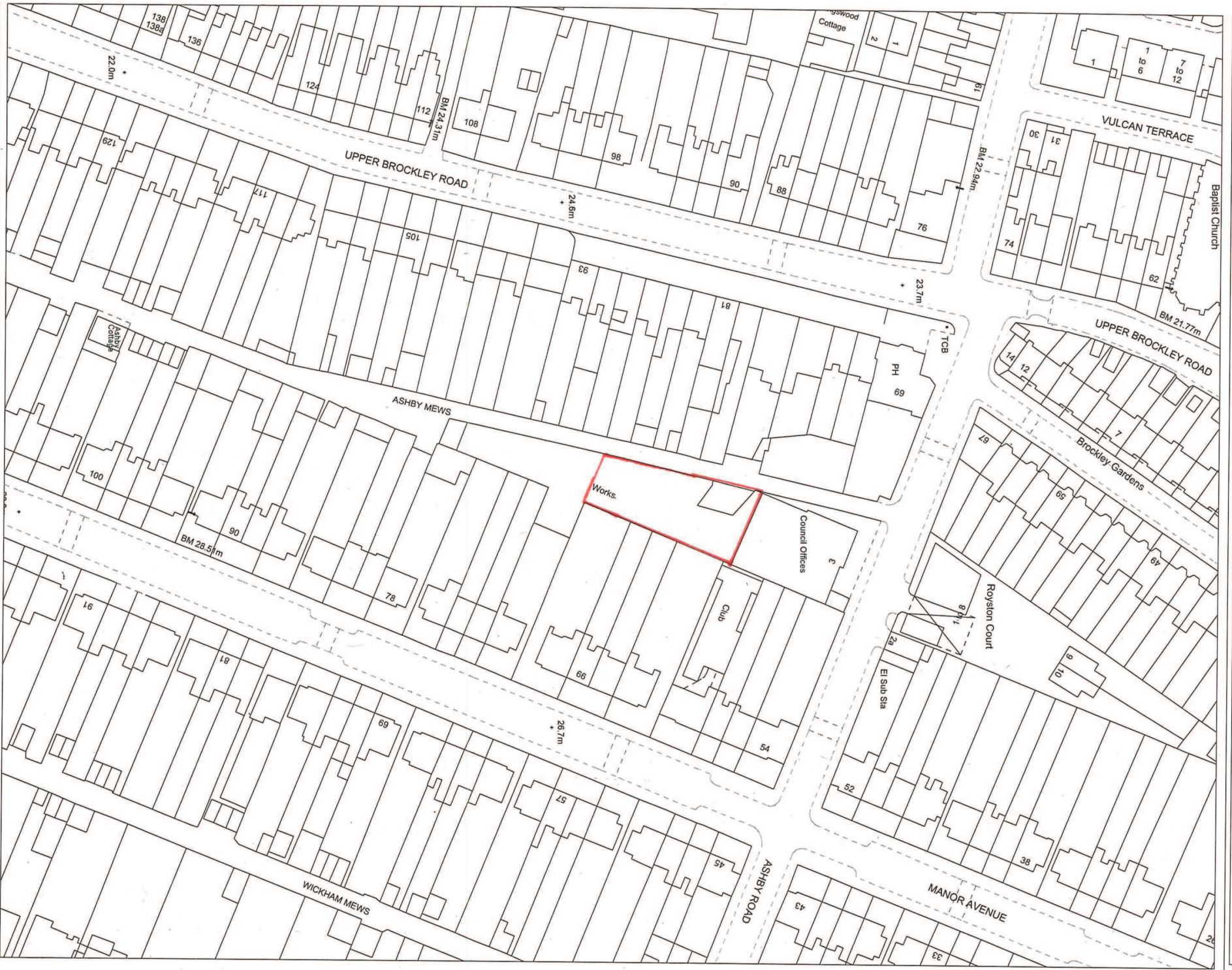
The proposed first floor extensions by reason of their size, cumulative bulk, design and materials, would result in a series of buildings of excessive scale and mass in this modest Mews location, significantly undermining the visual and hierarchical relationship between the houses in Manor Avenue and Upper Brockley Road and the buildings within the Mews, causing demonstrable harm to the character of this part of the Brockley Conservation area. The proposed first floor extension would therefore 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, saved Policy URB 3 Urban Design, URB 6 Alterations and Extensions and URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas in the adopted Unitary Development Plan (2004), emerging Policy 30 Urban design and local character, Policy 31 Alterations and extensions to existing buildings including residential extensions 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 Submission Version (November 2013).

INFORMATIVE

Positive and Proactive Statement

The Council engages with all applicants in a positive and proactive way through specific pre-application enquires and the detailed advice available on the Council's website. In this instance, pre-application advice was sought before the application was submitted, however the submitted application does not reflect the advice provided. The applicant was advised of the Council's intention to refuse the current proposal.

UNITS 1 & 2 ASHBY MEWS



This page is intentionally left blank

Committee	PLANNING COMMITTEE (C)	
Report Title	154D NEW CROSS ROAD SE14 5BA	
Ward	Telegraph Hill	
Contributors	David Jeffery	
Class	PART 1	13 FEBRUARY 2014

<u>Reg. Nos.</u>	DC/13/85134
<u>Application dated</u>	03.10.2013
<u>Applicant</u>	Mr G Okoyeugha
<u>Proposal</u>	The change of use of 154D New Cross Road SE14, to a mini cab control centre.
<u>Applicant's Plan Nos.</u>	P-02, E-01, E-02, Site Location Plan, Supporting Statement and email from applicant received 27/01/14
<u>Background Papers</u>	(1) Case File DE/414/154D/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	PTAL 6a Major District Centre Hatcham Conservation Area Not a Listed Building B Road

1.0 Property/Site Description

- 1.1 The subject property consists of a ground floor retail unit located within New Cross Road District Town Centre near the junction with Besson Street.
- 1.2 The subject property is located in a parade of around 16 retail units stretching north west from Besson Street. The parade contains a mix of uses including four Class A1 retail units, three class A5 takeaways, one Class A3 restaurants, four class A2 financial and professional services, a dry cleaners and a nail bar (sui generis). Approximately 6 units are currently vacant.
- 1.3 The subject property occupies a ground floor retail premises previously used as an internet café. As is the case for other properties in this parade, the upper two floors above the property are in residential use.
- 1.4 New Cross Road is a TFL Red Route and as such, parking is restricted. There is however some unrestricted parking available on side roads in the area.

2.0 Planning History

- 2.1 There is no relevant planning history associated with this application.

3.0 Current Planning Applications

The Proposals

- 3.1 The proposal is for the change of use of a Class A1 retail unit at number 154 New Cross Road to a minicab control centre (sui generis).

Supporting Documents

- 3.2 A supporting statement has been included as part of the application stating that the office would be a GPS control cab office enabling the drivers to work from home. The statement also confirms that the office would operate 24hrs a day and that the business may use 20 drivers.
- 3.3 An email was also received (dated 27/01/2014) confirming that the premises would not be open to members of the public or drivers at any time and will be used only for the radio control of drivers working from their homes.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. 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 sixteen residents and business in the surrounding area and the relevant ward Councillors. TfL were also consulted.

Written Responses received from Local Residents and Organisations

- 4.3 Three letters have been received objecting to the proposals from 132, 154 and 116-118 New Cross Road on the following grounds.
- (1) There is already a minicab office in the immediate area (located at No.132)
 - (2) The use is likely to cause congestion through the parking of extra cars
 - (3) Likely generation of noise and disturbance from people congregating around the office
 - (4) 24 hour operation likely to give rise to disturbance to residential properties
- (Letters are available to members).

Transport for London

- 4.4 TfL have raised no objections provided that a condition is imposed requiring that no driver or customer waiting facilities are provided on the premises.

Highways and Transportation

No objections provided that a condition is added to any consent which states that the proposed office shall be used only for the control of cabs by radio and no driver or customer waiting facilities shall be provided on the premises.

Policy Context

Introduction

- 4.5 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.

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)
- 4.6 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

- 4.7 The NPPF was published on 27th 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 that (paragraph 211), 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)'...
- 4.8 Officers have reviewed the Core Strategy and saved UDP policies 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.

London Plan (July 2011)

- 4.9 The London Plan policies relevant to this application are:
- Policy 4.8 Supporting a successful and diverse retail sector
 - Policy 4.9 Small shops
 - Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity
Policy 6.4 Enhancing London's transport connectivity
Policy 6.13 Parking
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture

Core Strategy

- 4.10 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 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham

Unitary Development Plan (2004)

- 4.11 The saved policies of the UDP relevant to this application are:

URB 3 Urban Design
URB 8 Shopfronts
URB 9 Signs and Hoardings
URB 10 Roller Grilles and Shutters
URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas
ENV.PRO 11 Noise Generating Development
HSG 4 Residential Amenity
STC 1 The Shopping Hierarchy
STC 6 Major and District Centres – Other Shopping Areas
STC 7 Local Shopping Centres
STC 10 Mini Cab or Taxi Offices

Residential Standards Supplementary Planning Document (August 2006)

- 4.12 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.

Emerging Plans

- 4.13 According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

4.14 The following emerging plans are relevant to this application.

Development Management Plan

4.15 The Development Management Local Plan – Submission Version, is a material planning consideration and is growing in weight. Therefore, in accordance with the NPPF, the weight decision makers should accord the Proposed Submission Version should reflect the advice in the NPPF paragraph 216.

4.16 The following policies are considered to be relevant to this application:

DM Policy 1	Presumption in favour of sustainable development
DM Policy 14	District centres shopping frontages
DM Policy 16	Local shopping parades and corner shops
DM Policy 19	Shopfronts, signs and hoardings
DM Policy 21	Mini cab or taxi offices
DM Policy 26	Noise and vibration
DM Policy 29	Car parking
DM Policy 30	Urban design and local character

- *General principles*
- *Detailed design issues*

5.0 Planning Considerations

The main issues to be considered in respect of this application include the acceptability of the change of use in relation to the District Centre, the impact of the use on the amenities of neighbouring occupiers, and highways matters.

Principle of the Use

5.1 Policy STC 6 (Major and District Centres - Other Shopping Areas) states that the Council will grant permission for a change of use from Class A1 retail provided (a) it does not harm the amenity of adjoining properties and (b) it does not harm the character, attractiveness, vitality and viability of the centre as a whole.

5.2 It is acknowledged that the proposed change of use would further intensify the number of 'non retail' uses in the District Centre. However, as the subject property is a small unit, its change of use would not significantly detract from the amount of frontage in class A1 retail use. Furthermore, there are two convenience stores and a variety of other class A1 retail units in the immediate area which will continue to support an adequate range of uses to meet the day to day needs of the local community.

5.3 The parade of commercial units where the subject property is located currently suffers from high vacancy rates of around 30% with evidence of efforts to convert some units to residential use. It is therefore considered that bringing a currently vacant unit back into use would on balance be positive for the character, attractiveness, vitality and viability of the District Centre.

- 5.4 Saved Policy STC 10 (Mini Cab or Taxi Offices) and emerging DM Policy 21 state that the Council will only grant planning permission for mini cab offices in locations where they would not cause any adverse impacts on the surrounding area by virtue of traffic congestion, including parking, which would be of detriment to the safety of other vehicle users or pedestrians and would not have a detrimental effect on the amenities of adjoining property, especially residential occupiers, including that caused by noise disturbance.
- 5.5 Officers consider this site to be an appropriate location for a Mini Cab Control Centre given its location in a busy District Centre near to a range of different uses. Retention of a commercial use in this location is welcome provided it can operate without detriment to the amenity of neighbouring occupiers and highway safety.
- 5.6 Matters of highways impact and residential amenity are dealt with below and provided that the scheme is found to be acceptable in these respects, the principle of the use would be considered to be acceptable.

Highways and Traffic Issues

- 5.7 The applicant has provided a written statement dated 27/01/2014 stating that no waiting facilities would be provided and that the office would be a GPS control cab office enabling drivers to work from home. This would result in the premises only being used for the control of cabs by radio giving rise to no need for drivers to congregate in the area and await work. This would be a key factor in avoiding any congestion and increased parking pressure associated with the change of use. Such a condition has been used in three comparable applications where permission has been granted for a minicab office at 469 New Cross Road (12/79365), 15 Lee High Road (13/85490) and 191 Lewisham Way (13/84767).
- 5.8 Transport for London and the Council's Highways Department have been consulted. TFL have raised concerns over the potential for the proposal to impact on highway safety and parking if drivers are to congregate at the premises. They have therefore strongly supported the use of a condition which will prevent the use of the office by drivers and customers.
- 5.9 Furthermore, taking into consideration the potential for impacts on parking and the objections received on this basis, it is considered prudent to grant consent for a temporary period of one year to enable the planning authority to assess the impact of the use in respect of parking and traffic flow which would be taken into account if an application was made for the consent to be renewed.

Impact on Adjoining Properties

- 5.10 It is noted that objectors are concerned that the 24 hour use would result in a rise in noise and disturbance from people congregating outside the office, which would be harmful to the residential amenities of neighbours.
- 5.11 New Cross Road is a very busy transport artery and the parade of shops covered by this application already contains a range of uses which operate both during the daytime, evenings and into the night. If the premises is used as a control centre only and a condition is used to prevent customers and drivers waiting at the property, the use and its hours of operation are unlikely to result in any significant harm by way of noise disturbance to local residents. However, by making this consent temporary, if evidence of harm to the amenities of neighbours is received

then this may result in the refusal of any subsequent application to renew this permission in the future.

- 5.12 As there is residential accommodation located above the subject property it is recognised that through its 24hr operation, there may be some potential to cause disturbance to residential occupiers through operators taking calls during the night. In order to minimise potential for disturbance it is considered prudent to add a condition which will require adequate sound insulation to be provided between the control centre and residential accommodation above.

Other Issues

- 5.13 It is noted that no planning application has been made for any advertisement consent which may be associated with the change of use. The applicant is advised of the need to obtain this consent by way of an informative. However, if as suggested in the application, the external works involve only the repainting of an existing fascia without the use of illumination, this would not require consent.

6.0 Conclusion

- 6.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 6.2 On balance, Officers consider that the proposed minicab control centre will have no significant adverse impacts on the function of the district centre, highways and parking or the amenities of neighbouring properties and the proposal is therefore considered to be acceptable.

7.0 RECOMMENDATION: GRANT PERMISSION subject to the following conditions:-

- (1) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:
P-02, E-01, E-02, Site Location Plan, Supporting Statement and email dated 27th January 2014.

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority

- (2) The proposed office shall be used only for the control of cabs by radio and no driver or customer waiting facilities shall be provided on or outside the premises and no drivers or customers shall be permitted to wait on or visit the premises.

Reason: To ensure that the proposed use does not give rise to traffic congestion, cause highway safety issues nor impact upon bus operations as a result of on-street parking of vehicles or picking up or dropping of passengers as a result of on-street parking of vehicles outside the premises, to ensure that the proposed use does not prejudice the amenities of neighbouring occupiers and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development, HSG 4 Residential Amenity and STC 10 Mini Cab or Taxi Offices in the Unitary Development Plan (July 2004).

- (3) The use hereby permitted shall be discontinued after a period of one year from the date of this permission.

Reason: In order to allow the local planning authority the opportunity to monitor the operation of and the impact of the use of the premises as a mini cab office on the amenities of neighbouring properties and to ensure the use is not detrimental to the safe and free flow of traffic on Lewisham Way and does not give rise to parking congestion in the vicinity of the premises.

- (4) (a) The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAmax (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.
- (b) Development shall not commence until details of a sound insulation scheme complying with paragraph (a) of this condition have been submitted to an approved in writing by the local planning authority.
- (c) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to comply with Saved Policy ENV.PRO 11 Noise Generating Development in the Unitary Development Plan (July 2004).

INFORMATIVES

- (1) 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, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.
- (2) The applicant is advised that this planning permission does not provide consent for any advertisements which are associated with the change of use. Although repainting an existing fascia would not require advertisement consent if a new fascia sign is to be added or illumination is used then advertisement consent will be required.
- (3) The details of the submitted drawing numbered P-01 showing a customer 'waiting area' are not approved as part of this application, as confirmed via an email from the applicant dated 27th Jan 2014 confirming that no customers or drivers will use the premises.

154 D NEW X ROAD



This page is intentionally left blank

Committee	PLANNING COMMITTEE (C)	
Report Title	21 MONTPELIER ROW, BLACKHEATH SE3 0RL	
Ward	Blackheath	
Contributors	Michael Forrester	
Class	PART 1	Date: 13 FEBRUARY 2014

<u>Reg. Nos.</u>	DC/13/84600
<u>Application dated</u>	20.08.2013
<u>Applicant</u>	Richard Wallis Associates on Behalf of Mr R Wallis
<u>Proposal</u>	An application submitted under Section 73 of the Town & Country Planning Act 1990 for a minor material amendment in connection with the planning permission (DC/12/81076) dated 22 November 2012, for the construction of a single storey extension at the lower ground floor level and ground floor level at 21 Montpelier Row SE3, together with excavation to provide an indoor swimming pool and alterations to the rear garden in order to allow the location of heat pumps in an existing light well.
<u>Applicant's Plan Nos.</u>	Photograph, Air Conditioners Technical Data, Site Plan, Proposed Condenser Locations 021 & Noise Impact Assessment Report 9504.NIA.01
<u>Background Papers</u>	(1) Case File LE/417/20/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan (5) National Planning Policy Framework
<u>Designation</u>	[Core Strategy or Adopted UDP] - Existing Use

1.0 Property/Site Description

- 1.1 No.21 Montpelier Row is a substantial locally listed detached three storey and basement building on the eastern side of Montpelier Row within the Blackheath Conservation Area.
- 1.2 The property was constructed as a dwelling house in 1885, before being converted to office use in 1919. It was subsequently converted into five self contained flats in the mid 1990s. The property is currently in the process of being converted back to the original use as a single dwelling house.

- 1.3 The property has a relatively large front garden containing an early-mature Holm Oak tree which is subject to a tree preservation order, permission has recently been granted for landscaping works to allow for the creation of a driveway.
- 1.4 There is a brick front boundary wall between the front garden and the public footway. The wall and piers measure up to 2.3m in height.
- 1.5 The property is located within the Blackheath Conservation Area, which is not subject to an article 4 direction. Adjacent buildings in Montpelier Row are nationally listed.
- 1.6 Montpelier Row is a classified road and is within a controlled parking zone (CPZ).

2.0 Planning History

- 2.1 11/11/1994: Permission granted for the alteration and conversion of 21 Montpelier Row and the building to the rear from office space to provide 5 self contained flats. Permission amended 31/05/1995 to include the construction of a rear single storey extension.
- 2.2 25/06/2012 (DC/12/80141): Certificate Of Lawful Development (Proposed) issued in respect of the alteration and conversion of the property from five self contained flats to a single dwelling-house.
- 2.3 20/12/2012 (DC/12/81076): Planning permission granted for the construction of a single storey extension at the ground floor level, together with excavation to provide an indoor swimming pool, and alterations to the rear garden.

3.0 Current Planning Applications

The Proposals

- 3.1 Construction of the extension and swimming pool for which permission was granted in 2012 has commenced on site. It is proposed as part of this application to relocate the heat pumps that in the consented scheme were to be located within the building so that they would be located externally within an existing light well on the exterior northern flank of the property.

Supporting Documents

- 3.2 VRV Daikin technical data – these brochures provide details as to the air conditioning units.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. 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 Neighbour notification letters were sent to 121 properties. Site notices were displayed outside of the side facing Montpelier Row.

Written Responses received from Local Residents and Organisations

- 4.4 Three representations were received (all from flats at No. 20 Montpelier Row) with the objections summarised below:
- The pumps may well conform to Environmental Health noise limits, but will be disruptive by noise and vibration.
 - Object to the change on the original plans as this is being snuck through by applicant.
 - Alternative location should be found for the pumps.
 - This application contradicts the previous application for the swimming pool extension.
 - Pumps would be in constant use.
 - Application should be refused.

(Letters are available to Members)

- 4.5 Environmental Health: Relocation of the heat pump is acceptable provided it remains in accordance with the noise report submitted with the original application. A statement should be provided by the applicant/ noise consultant stating that there would be no adverse impact, given the sensitivities of the site.

5.0 Policy Context

Introduction

- 5.1 Section 73 of the Town and Country Planning Act 1990 allows an application to be made for the development of land without complying with conditions subject to which a previous planning permission was granted. This also allows for applications to be made for minor material amendments to a consented scheme. On receiving an application, the Council can only consider the question of the changes to the proposal subject to which permission was granted.
- 5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.3 The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

- 5.4 The NPPF was published on 27th 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 that (paragraph 211), 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 and saved UDP policies 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.

Ministerial Statement: Planning for Growth (23 March 2011)

- 5.6 The Statement sets out that the planning system has a key role to play in rebuilding Britain's economy by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The Government's expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.
- 5.7 The statement further sets out that local authorities should reconsider at developers request, existing Section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed, provided this continues to ensure that the development remains acceptable in planning terms. [Delete if not relevant]

Other National Guidance

- 5.8 The other relevant national guidance is:
By Design: Urban Design in the Planning System - Towards Better Practice (CABE/DETR 2000)

London Plan (July 2011)

- 5.9 The London Plan policies relevant to this application are:
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.14 Improving air quality
Policy 7.15 Reducing noise and enhancing soundscapes

Core Strategy

- 5.10 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:

Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Unitary Development Plan (2004)

5.11 The saved policies of the UDP relevant to this application are:

STR URB 1 The Built Environment

URB 6 Alterations and Extensions

URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas

URB 20 Locally Listed Buildings

ENV.PRO 11 Noise Generating Development

HSG 4 Residential Amenity

Residential Standards Supplementary Planning Document (August 2006)

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.

5.13 Blackheath Conservation Area Appraisal and Supplementary Planning Document (2007)

This document sets out the history and spatial character of the area, identifying areas of distinct character, advises on the content of planning applications, and gives advice on external alterations to properties within the Blackheath Conservation Area. The document provides advice on repairs and maintenance and specifically advises on windows, satellite dishes, chimney stacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts and architectural and other details.

Emerging Plans

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

5.14 The following emerging plans are relevant to this application.

Development Management Local Plan

5.15 The Development Management Local Plan – Proposed Submission Version, is a material planning consideration and is growing in weight. Following the close of public consultation on 4 October 2013 the Proposed Submission Version will be submitted to the Planning Inspectorate for an Examination in Public.

Therefore, in accordance with the NPPF, the weight decision makers should accord the Proposed Submission Version should reflect the advice in the NPPF paragraph 216.

5.16 The following policies are considered to be relevant to this application:

DM Policy 1 Presumption in favour of sustainable development

DM Policy 26 Noise and vibration

DM Policy 30 Urban design and local character

- *General principles*
- *Detailed design issues*

DM Policy 31 Alterations and extensions to existing buildings including residential extension

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

- *A. General principles*
- *B. Conservation areas*
- *C. Listed Buildings*

6.0 Planning Considerations

6.1 The main issues to be considered in respect of this application are whether the proposed location of the heat pumps is acceptable in relation to design and impact on the locally listed building, adjacent Listed buildings and the conservation area and whether the impact on there would be any adverse impact on the amenities of neighbouring properties by way of noise and vibration.

Design and Conservation

6.2 Planning permission has been granted for the construction of a single storey rear extension including a swimming pool, under application reference DC/12/81076. Heat pumps and associated swimming pool plant were originally proposed to be provided within an internal room at lower ground floor.

6.3 The applicant now proposes to relocate the heat pumps to an external elevation due to technical difficulties in providing these within the fabric of the building.

6.4 The heat pumps are now proposed to be located within an existing lightwell on the northern elevation at lower ground floor. The location of the pumps would mean that they would not be visible from the public realm, as such it is considered that there would be no adverse harm to the character and appearance of the Blackheath conservation area. No objection to the revised location has been raised by the Conservation Officer.

Noise and Impact on Adjoining Properties

6.5 UDP policy HSG 4 seeks to improve and safeguard the character and amenities of residential areas throughout the borough. UDP Policy ENV.PRO 9 'Potentially Polluting Uses' states that applications for a polluting or potentially polluting use will be assessed against criteria including the loss of residential amenity, design and appearance of the development, hours of operation.

- 6.6 Policy ENV.PRO 11 'Noise Generating Development' of the Unitary Development Plan states that 'the Council will resist development that could lead to unacceptable levels of noise. Where noise-sensitive development is proposed close to an existing source of noise, or where a noise generating development is proposed, the Council may require the developers to have prepared a detailed noise impact survey outlining possible attenuation measures.
- 6.7 DM Policy 26 of the Development Management Local Plan (submission version) states that the Council will require 'a Noise and Vibration Assessment for noise and/or vibration generating development or equipment and new noise sensitive development, where appropriate, to identify issues and attenuation measures, prepared by a qualified acoustician. Where development is permitted, conditions may be attached to the planning permission to ensure effective noise insulation or other mitigation measures are undertaken'.
- 6.8 The consented application was accompanied by a noise report which includes results of monitoring of background noise levels, finding that existing noise levels arise from passing traffic on Montpelier Row to the front of the property. The noise measurements were taken on a dry day with wind speeds of acceptable tolerances, resulting in suitable conditions for monitoring. The plant equipment for the swimming pool was tested and found to have noise levels below existing day and night background noise levels.
- 6.9 Additionally, calculations were undertaken as part of the survey to assess whether the noise emissions from the plant would meet British Standard recommendations. British Standard 82333:1999 (sound insulation and noise reduction for buildings – code of practice) provides recommendations for acceptable internal noise levels within residential property. BS8233:1999 recommends 30dB(A) as being a 'good' internal resting/ sleeping condition. The plant records noise emissions of 12dB(A) and as such is well within the British Standard limits.
- 6.10 The report states that the swimming pool could be used throughout the day, and as such, the plant should accord with the recommendations provided in the report (to adopt strict noise levels equating to the lower night time background noise). The report concludes that there would be no adverse impacts to surrounding residential occupants.
- 6.11 This application seeks permission for the relocation of heat pumps from within the building to a lightwell on the lower ground floor facing the flank wall of the adjacent property, no. 20 Montpelier Row which is a residential property converted into flats, from which objections have been received relating to the potential for noise and vibration from the equipment and that the application seeks to make revisions to the permitted scheme.
- 6.12 Representations received from the Councils Environmental Health Officers raise no objections in principle to the relocation of the heat pumps on the basis of the information submitted (within the approved noise report and technical data of the heat pumps) and whilst the pumps would be on an external wall facing a neighbouring property, they would be located at lower ground floor level, enclosed by a lightwell and face onto a blank elevation.

- 6.13 The plan submitted shows that the plant equipment would be located on acoustic isolation bases to reduce vibration and therefore noise levels to further mitigate against noise and vibration. This is considered to be acceptable and details are to be secured by condition, to ensure that they are of a sufficient standard.
- 6.14 Noise levels are specified within the report submitted for the original planning application (secured by condition), and a condition is similarly proposed for this application. It is noted that should excessive noise levels arise from the development, which do not accord with the applicants commissioned report, then there are enforcement powers available to the Councils Planning and Environmental Health team.
- 6.15 As such, the proposal is considered to accord with Policy HSG 4, ENV. PRO 11 and DM Policy 26.

7.0 Community Infrastructure Levy

- 7.1 The above development is not CIL liable.

8.0 Conclusion

- 8.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 8.2 On balance, Officers consider that the relocation of the heat pumps would be acceptable.

9.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions

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

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

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

Photograph, Air Conditioners Technical Data, Site Plan: Proposed Condenser Locations 021, Noise Impact Assessment Report 9504.NIA.01

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) The swimming pool shall not be used until the noise mitigation scheme detailed in the application and the associated noise report (Report 9504.NIA.01 and plan no. 021) has been implemented in its entirety. Thereafter, the scheme shall be maintained in perpetuity.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

- (4). Prior to the installation of the heat pumps, details shall be submitted of the acoustic bases within the lightwell and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be maintained in perpetuity.

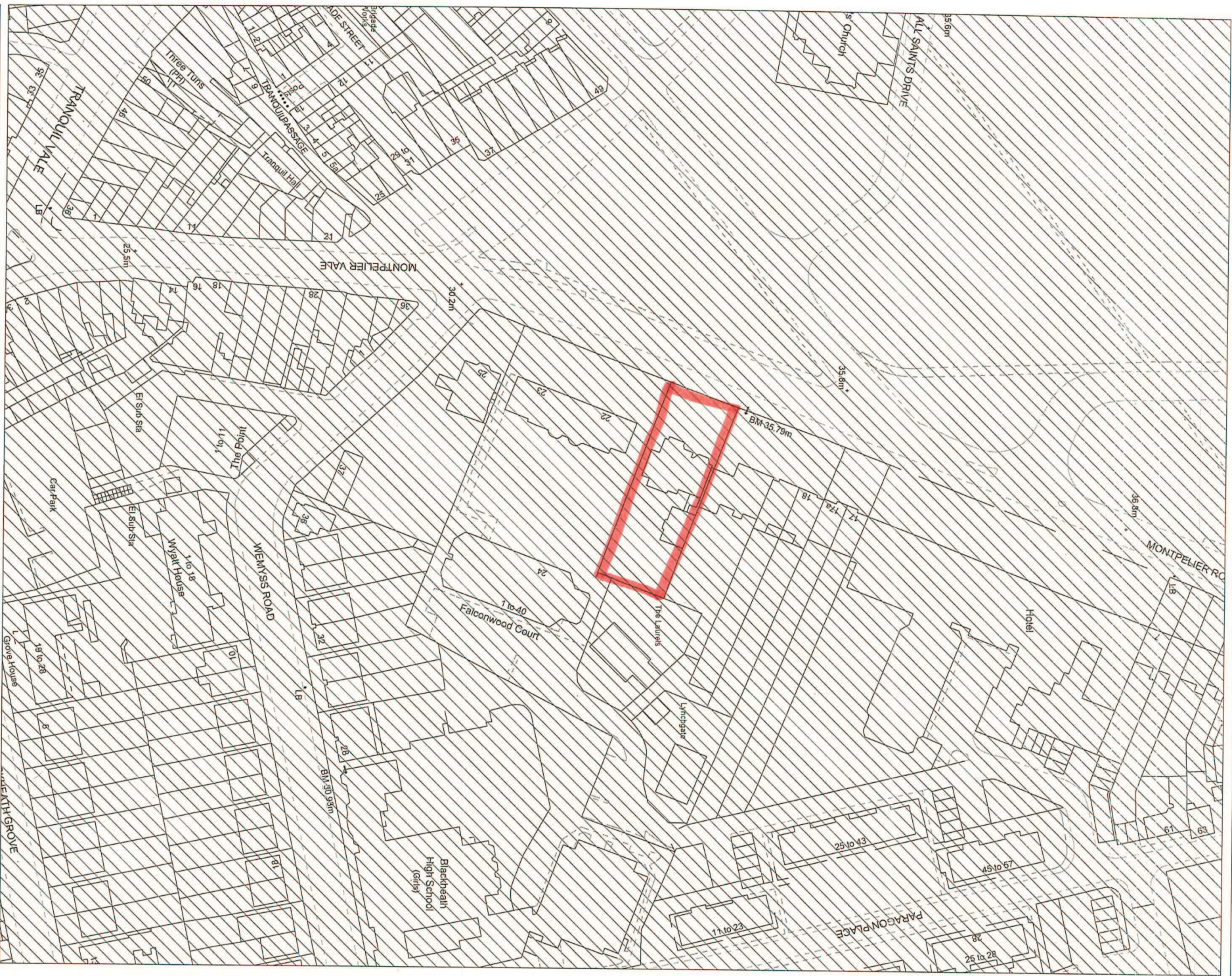
Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

INFORMATIVE

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 by the applicant confirming that the relocation of the heat pumps does not contradict the approved noise report.

This page is intentionally left blank

21 Montpelier Row



This page is intentionally left blank