

Committee	PLANNING COMMITTEE C	
Report Title	UNIT 3 ASHBY MEWS SE4 1TB	
Ward	Brockley	
Contributors	Monique Wallace	
Class	PART 1	31 January 2013

<u>Reg. No.</u>	DC/12/81670
<u>Application dated</u>	15.10.2012, revised 22.11.2012
<u>Applicant</u>	Skyline Design Limited on behalf of Mr Lowe
<u>Proposal</u>	Alterations to Unit 3, Ashby Mews SE4, including replacement roofs, the installation of roof lights, doors and a circular window to the front.
<u>Applicant's Plan Nos.</u>	284.3.100.PL.01, 02, 03, 04, 05, 06, 284.3.200.PL.01, PL.02, 284.3.1250.PL.01, Design & Access Statement and Heritage Statement received 22/11/12.
<u>Background Papers</u>	(1) Case File DE/98/A3/TP (2) Lewisham's Core Strategy (June 2011) (3) Adopted Unitary Development Plan (July 2004) (4) The London Plan
<u>Designation</u>	Existing Use

1.0 Background

- 1.1 This application was considered by Planning Committee C on 20 December 2012 and a decision was deferred for members of the Committee to visit the site.
- 1.2 The site visit took place on Friday 18 January at 12pm whereby Members visited the application premises and also viewed it from the gardens of 68 and 70 Manor Avenue.
- 1.3 The content of the report considered on 20 December 2012 is found in the following sections of this report.

2.0 Property/Site Description

- 2.1 The application site comprises Unit 3 Ashby Mews, a single storey industrial unit of some 215m² which is part of a larger range of commercial/industrial buildings located on the north side of Ashby Mews within the Brockley Conservation Area.
- 2.2 The premises is 22m deep and has a frontage to the Mews of 10.3m; to the rear it narrows to a width of 9m. It is significantly deeper than the remainder of the industrial buildings within the Mews. The premises has a large, asymmetric gable up to almost 7m in height fronting the Mews however the rear part of the building is lower, with a hipped roof up to 5m high at the apex of the roof. Part of the roof is glazed.

- 2.3 The application site was previously used as a workshop and for storage. The mews buildings to the north and south of the site have a history of commercial/industrial use, and all about the rear gardens of the properties fronting Manor Avenue to the east, which are residential dwellings.
- 2.4 This site along with Units 1, 2, 4 & 5 Ashby Mews and Nos 1-3 Ashby Road appear to have had a long history of industrial use 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.
- In the case of Unit 3, the original site has clearly been extended into the rear garden of No. 70 Manor Avenue. This may have occurred before the Second World War when the two sites were in common ownership. 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.
- 2.5 Unit 5 was destroyed in a fire and the building has now 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 the equivalent in height to a two storey building.
- 2.6 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.
- 2.7 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.
- 2.8 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.
- 2.9 The Brockley Conservation Area is covered by an Article 4 Direction.
- 2.10 At a site visit carried out by officers on 6 December 2012, it was noted that the roof covering of the rear element of the application building had been removed, with an insulation material in its place. Internal works were also being carried out.

3.0 Planning History

- 3.1 On 12 March 1953, planning permission was approved for an extension to the storage sheds at 3 Ashby Mews.
- 3.2 Permission was refused on 5 December 1991 for the continued use of Unit 3 Ashby Mews (together with neighbouring Mews buildings) for motor vehicle repairs. The reason for refusal was due to noise, smell, fumes and general disturbance, which would be detrimental to the amenities of local residents and the Conservation Area generally. This refusal was followed by an Enforcement Notice served on 4 March 1992 to secure the cessation of the use.
- 3.3 As the application site once formed part of the larger development which fronted Ashby Road, officers considered it prudent to also refer to recent planning decisions for both 1-3 Ashby Road as well as Units 1 to 5 Ashby Mews.
- 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 Mews 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 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.
- 3.8 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/12/68761) were approved on 16 November 2012. Ref. DC/12/81502. Officers have been advised by letter dated 7 November 2012 that works have commenced on site in relation to this development.

- 3.9 Three further planning applications have been submitted concurrently for alterations, conversions and changes of use at units 1 & 2 (one application), 4 and 5 Ashby Mews. The details of these applications are as follows:
- 3.10 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.
- 3.11 DC/12/79664 - Unit 4, Ashby Mews - The demolition of the existing buildings at Unit 4 Ashby Mews and the construction of a two storey building to provide a live work unit comprising a three bedroom residential unit and a Ceramicist studio space. This application remains undetermined.
- 3.12 DC/12/79577 - Unit 5, Ashby Mews - The construction of a two storey building to provide a live work unit at Unit 5 Ashby Mews with studio on the ground floor and a two bedroom self-contained flat on the upper floor. This application remains undetermined.

4.0 Current Planning Application

The Proposals

- 4.1 The proposal is for alterations to Unit 3, Ashby Mews including the replacement of the roofs, the installation of roof lights, doors and a circular window to the front.

Replacement Roof

- 4.2 The application building has two main roofs; a pitched, 'saw tooth' design to the front part of the building, towards Ashby Mews, and a lower pitched, hipped roof to the rear part of the building. Both roofs are to be replaced in their entirety; the front roof with an aluminium metal deck finish and the rear roof slopes with grey slate tiles.
- 4.3 The form of the roofs would not be altered. The drawings note that thermal insulation would be provided below the roof covering.

Roof lights

- 4.4 The front roof is proposed with 8 roof lights; 4 large roof lights flush with the roof slope are proposed to the south western roof slope and 4 smaller ones on the north western slope
- 4.5 The three existing roof lights in the rear part of the building would be replaced with roof lights of the same dimensions.

Alterations

- 4.6 The front wall of the building is to be re-built using reclaimed yellow London stock brick above a plinth finished in black engineering brickwork. The black engineering brickwork will also be used for the door and window surrounds and lintels. Doors and windows are to be finished in black metal. The large door opening to the Mews would be reduced in size and a new pedestrian entrance door would be provided.
- 4.7 The existing triangular window to the rear elevation of the higher part of the building will be reduced in size, and is proposed to remain with frosted glass. A

new high level circular window opening to the front of the building towards the apex of the roof also proposed.

Mezzanine floor

- 4.8 The application plans show that it is proposed to insert a mezzanine floor within part of the front section of the building, creating some 60.5m² of additional floorspace. It should be noted that as the mezzanine element is an internal alteration it does not require planning permission.

Supporting Documents

- 4.9 A heritage statement and a design and access statement were submitted with the planning application. The documents describe the development and explain the characteristics of the property in the context of the Brockley Conservation Area.

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. Letters were sent to 49 residents and business within Manor Avenue, Upper Brockley Road, Ashby Mews, including those who had contacted the Council about the last proposal for the application site. The relevant ward Councillors were also consulted.

Written Responses received from Local Residents and Organisations

- 5.3 To date, two letters in support, and seven letters objecting to the proposal have been received by the Council. The planning objections to the proposal are summarised as follows;
- The mezzanine level would result in overlooking, and is an over intensive use of the site.
 - The kitchen is very large and would result in smells into the nearby gardens.
 - The installation of 'roof lights' (and the mezzanine) will create overlooking into neighbouring gardens.
 - The roof lights will create light pollution.
 - There would be a general increase in noise and disturbance
 - There will be an increase in traffic.
 - The submitted drawings labelled 'existing' do not reflect the current condition of the building.
- 5.4 One of the letters in support of the proposal confirms that they have direct views of the application building from their property and believe that the proposed refurbishment would enhance Ashby Mews and the Conservation Area.

(Letters are available to Members)

Amenity Societies Panel

- 5.5 The Panel considered the scheme an improvement on previous proposals in terms of scale however front elevation requires more thought and improved design.

Policy Context

Introduction

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

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

- 5.7 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

- 5.8 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 National Planning Policy Framework does not change the legal status of the development plan.

National Planning Policy Framework (NPPF)

- 5.9 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states 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. In summary, this states, that for a period of 12 months from publication of the NPPF decision takers can give full weight to policies adopted since 2004 even if there is limited conflict with the NPPF. Following this period weight should be given to existing policies according to their consistency with the NPPF.

- 5.10 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, 214 and 215 of the NPPF.

London Plan (July 2011)

- 5.11 The London Plan policies relevant to this application are:

Policy 2.6 Outer London: vision and strategy
Policy 2.7 Outer London: economy

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 6.9 Cycling
 Policy 6.10 Walking
 Policy 6.13 Parking
 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 7.9 Heritage-led regeneration
 Policy 7.21 Trees and woodlands
 Policy 8.3 Community infrastructure levy

Core Strategy

- 5.12 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
 Policy 5 Other employment locations
 Policy 7 Climate change and adapting to the effects
 Policy 8 Sustainable design and construction and energy efficiency
 Policy 15 High quality design for Lewisham
 Policy 16 Conservation areas, heritage assets and the historic environment

Unitary Development Plan (July 2004)

- 5.13 The saved policies of the UDP relevant to this application are:
- URB 3 Urban Design
 URB 6 Alterations and Extensions
 URB 13 Trees
 URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas
 ENV.PRO 11 Noise Generating Development
 ENV.PRO 12 Light Generating Development
 HSG 4 Residential Amenity
 HSG 8 Backland and In-fill Development

Brockley Conservation Area Supplementary Planning Document (December 2005)

- 5.14 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 generally be considered acceptable within the Brockley Mews.

Brockley Conservation Area Appraisal (August 2006)

- 5.15 The Character appraisal provides an assessment and definition of Brockley's special historic and architectural interest. The character of the conservation area derives from all the elements outlined in this appraisal with their interrelationships being just as important as their individual existence. The conservation area was designated by the council in 1973 in recognition of its special architectural and historic interest. It was extended in 1991, 1993 and 2005.

6.0 Planning Considerations

- 6.1 The main issues to be considered in respect of this application are:
- (a) The acceptability of the proposed alterations
 - (b) Impact on Adjoining Properties
 - (c) Sustainability and Energy
 - (d) Design and Conservation
- 6.2 The Council has a duty to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This application is for alterations to an existing building within the Brockley Conservation Area and it is necessary to assess the impact on the character and appearance of the conservation area.
- 6.3 The existing building is of utilitarian appearance and is in a dilapidated condition. The front elevation to the Mews is dominated by a large roller shutter door, above which is an expanse of corrugated metal cladding. The proposed use of reclaimed yellow stock and black bricks is considered satisfactory and compatible with surrounding buildings. The new door and window openings to the front elevation and the reduction in size of the main door would maintain an industrial aesthetic and are considered appropriate in design terms. The proposed circular window to the front of the building is functional, in order to let light into the proposed mezzanine floor, modest in size and is considered to be in keeping with the overall design of the host building.
- 6.4 The proposed roof coverings, aluminium to the front and grey slate tile to the rear are considered acceptable. The main alteration to the roof is the provision of four large roof lights to the south roof slope. The south facing roof pitch is relatively shallow and it is not considered that the metal framed roof lights would be of incongruous appearance in the commercial context of this Mews. The roof lights to the north facing roof slope would replace a larger expanse of glazed roof in that roof slope. The roof lights to the rear part of the building would replace existing roof windows in the same locations.

- 6.5 Overall the external alterations would result in a significant improvement to this dilapidated building and are considered to enhance the character and appearance of the conservation area.

Impact on Adjoining Properties

- 6.6 The premises is in use as a store and sculpture studio and no change of use is proposed. Neighbours have written objecting on the grounds of the general noise and disturbance caused by the proposed development. The issue of intensification of use due to the mezzanine floor has also been raised, however as stated above, planning permission is not required for this alteration. Even if the external changes were considered unacceptable, the mezzanine floor could be provided without the need for planning permission.
- 6.7 It is not considered that the additional roof lights in the south roof slope would result in significant additional disturbance from the use of the premises as the closest residential buildings in Manor Avenue are some 20m away.
- 6.8 While the four roof lights proposed in the south roof slope are large, it is not considered that these would give rise to overlooking or significant disturbance from light spillage due to the distance from nearby residential properties and their angle towards the sky. The proposed windows closest to the nearby residential houses fronting Manor Avenue would be the replacement roof lights proposed in each of the three roof slopes that would replace existing roof lights. Here ventilation can be sought, officers can add a condition to the decision notice ensuring that all of the roof lights are fixed shut in perpetuity. Officers do not consider it necessary to require the roof windows to be obscure glazed in view of their distance from the nearest residential windows.
- 6.9 The triangular window in the rear elevation of the higher element would replace an existing larger glazed panel. Due to its orientation towards residential properties it is considered desirable to impose a condition requiring this window to be obscure glazed and unopenable. There are no planning objections to the slight reduction in size or replacement of this window as any impact would be similar to the existing situation.

Sustainability and Energy

- 6.10 When considering alterations to existing non residential buildings, the Council's policy requirement of BREEAM 'Excellent' is considered to be an unreasonable requirement given the limitations of the existing building fabric. However, the proposal involves the insulation of the entire roof (front and rear) which would significantly reduce heat loss, and aid cooling which contributes to the objectives of creating a more sustainable environment.

7.0 Community Infrastructure Levy

- 7.1 Any new build – that is a new building or an extension – is only liable for the levy if it has 100m², or more, of gross internal floor space, or involves the creation of a dwelling.
- 7.2 As the proposed mezzanine would result in an increase of 60m², CIL is not applicable in this instance.

8.0 Conclusion

- 8.1 The proposed renovations to the application building are considered to be acceptable in design terms and the resultant development would enhance the Brockley Conservation Area.
- 8.2 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 8.3 On balance, officers consider that any impact to residential amenity derived from the proposed alterations would be marginal in the context of an established commercial environment, in close proximity to residential dwellings and thus the scheme is considered acceptable.

9.0 Summary of Reasons for Grant of Planning Permission

- 9.1 It is considered that the proposal satisfies the Council's Land Use and environmental criteria and is acceptable in principle, being in accordance with Policies URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).
- 9.2 It is considered that the proposal is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the surrounding area, or the amenities of neighbouring occupiers. The proposal is thereby in accordance with Policy 15 High Quality Design for Lewisham, Policy 16 Conservation areas, heritage assets and the historic environment in Lewisham's Core Strategy (June 2011).

10.0 RECOMMENDATION GRANT PERMISSION subject to the following condition

The triangular window in the rear elevation shall be provided in obscure glazing, shall be fixed shut and remain as such in perpetuity.

Reason

To prevent overlooking of neighbouring residential properties and consequent loss of amenity thereto and to comply with saved policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).