

Committee	PLANNING COMMITTEE C	
Report Title	1-3 ASHBY ROAD, LONDON, SE4 1PR	
Ward	Brockley	
Contributors	Monique Wallace	
Class	PART 1	4 February 2016

<u>Reg. Nos.</u>	DC/15/93717
<u>Application dated</u>	10.29.15 as revised on 04.12.15
<u>Applicant</u>	Mr K Fornalewaski Clive Sall Architecture on behalf of Northill Properties Limited
<u>Proposal</u>	Alterations to the existing office building at 1-3 Ashby Road SE4, comprising the introduction of light wells to the rear part of the building and a new light well adjoining the boundary with 54 - 60 Manor Avenue, together with alterations to the external elevations of the building and new landscaping of the Ashby Road and Ashby Mews frontages.
<u>Applicant's Plan Nos.</u>	196 000 REV P03, 196 001 REV P03, 196 002 REV P03, 196 003 REV P03, 196 190 REV P03, 196 191 REV P03, 196 192 REV P03, 196 300 REV P03, 196 301 REV P03, 196 292 REV P03, 196 390 REV P03, 196 391 REV P03, 196 392 REV P03 received 2/12/15
<u>Background Papers</u>	(1) Case File DE/315/8/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Core Strategy, - Existing Use

1.0 Property/Site Description

- 1.1 The application site comprises a modern part single/part two storey office building located at the junction of Ashby Mews and Ashby Road. The building was formerly used by the Council's Social Services Department as offices and is currently vacant. To the east, the site adjoins the rear gardens of properties in Manor Avenue. The site has a 25m wide main frontage onto Ashby Road and to the west, the site has a 28m deep side return into Ashby Mews. Ashby Mews serves residential garaging and commercial workshops located to the rear of the application site. The Mews is a private road.

- 1.2 On the opposite side of Ashby Road, directly opposite the application site is Royston Court. Royston Court is a modern two storey, plus attic housing development constructed on a former commercial site.
- 1.3 Both Ashby Road and Ashby Mews are within the Brockley Conservation Area which is covered by an Article 4 Direction.

2.0 Planning History

- 2.1 In February 2006, applications for planning permission and conservation area consent were submitted for the demolition of the building and the construction of a part single/part three storey plus basement building to provide a 22 bedroom care home. The planning application was proposed for refusal on the grounds of 1) its excessive height and bulk and its generally poor design; 2) its close proximity to the rear gardens of properties in Manor Avenue and; 3) the lack of outdoor amenity space and poor outlook to the ground floor bedrooms adjoining the Mews. The conservation area consent application was also recommended for refusal on the basis that the demolition of the building in advance of an agreed scheme of redevelopment would fail to preserve or enhance the character and appearance of the conservation area and would be contrary to Council policy. These applications were withdrawn at the applicant's request before determination.
- 2.2 In September 2006 further applications for planning permission and conservation area consent were submitted for the demolition of the former Council offices and the construction of a part two/part three storey building, to provide an 18 bedroom care home, together with associated landscaping, provision of a refuse store, bicycle spaces and 3 car parking spaces.
- 2.3 This planning application was refused on the grounds of 1) its excessive height and bulk and its generally poor design and; 2) the close proximity to the rear gardens of properties in Manor Avenue. The conservation area consent application was refused for the same reason as the previously withdrawn conservation area consent submission referred to above.
- 2.4 Further applications for Conservation Area consent and planning permission for a 16 bedroom care home at the site were refused in August 2007. These were refused for the same reasons as the previous applications. Appeals in respect of these decisions were also dismissed. The Inspector considered that the existing building had a neutral impact on the character and appearance of the Conservation Area and that the height of the existing building allowed views through to the trees and vegetation in the rear gardens of Manor Avenue.
- 2.5 On 9 June 2014, the Council determined that Prior Approval under Class J of Part 3 of Schedule 2 of the General Permitted Development Order 1995 (as amended) for the change of use of the premises (Class B1a) into residential use (Class C3) to form 3 x 1 bed and 3 x 2 bed self contained flats was not required (the development could proceed). Case reference DC/14/87239.
- 2.6 On 17 August 2015, the Council determined that Prior Approval under Class O of Part 3 of Schedule 2 of the General Permitted Development Order 2015 for the change of use of the premises (Class B1a) into residential use (Class C3) to form 6 x 1 bed and 3 studio contained flats was not required. Case reference DC/15/92810.

2.7 On 15 October 2015 the Council determined that Prior Approval under Class O of Part 3 of Schedule 2 of the General Permitted Development Order 2015 for prior approval in respect of change of use of 1-3 Ashby Road SE14, from office use (Class B1(a)) to residential (Class C3) to create 9 self-contained units was not required. Case reference DC/15/93310.

3.0 Current Planning Applications

3.1 The proposal is in respect of alterations to the existing office building at 1-3 Ashby Road, comprising the introduction of light wells to the rear part of the building and a new light well adjoining the boundary with 54 - 60 Manor Avenue, together with minor alterations to the external elevations of the building and new landscaping of the Ashby Road and Ashby Mews frontages.

3.2 Planning permission is being sought for the creation of two differing forms of lightwells; a large exposed strip to the side (east, abutting the plots fronting Manor Avenue), resulting in the of removal of a vertical strip of the existing roof, and four further lightwells within the centre of the building.

3.3 The light wells are to provide natural light into the centre of the building, while the larger opening is to provide external access to the office space from the side.

3.4 Bin enclosures and cycle stores are proposed to the front.

3.5 The proposals would result in the overall upgrading of the existing building, including brickwork repairs, landscaping, painting and painted aluminium window replacements.

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.

Written Responses received from Local Residents and Organisations

4.3 Letters were sent to 51 nearby occupiers. Two letters of objection were received to the proposals from occupiers of Manor Avenue.

4.4 The objections are summarised as follows:

- Noise disturbance derived from the new exposed areas
- Pollution from the smoking due to staff using the proposed external areas
- Creating an access from Ashby Road to the rear gardens of Manor Avenue results in a security risk

- The application documents refer to residential use while the application form does not state how many employees will be present. Residents therefore cannot adequately judge the impact of the proposals.

Amenities Societies Panel

- 4.5 The Panel have strong concerns that the alteration requested is changing the external fabric of the building and therefore invalidating the automatic permissions granted for office to residential use.

Brockley Society

- 4.6 The Society has already commented on the previous but related Prior Approval submission (DC/15/92810) for this project in the context of raising concerns on the sub-standard nature of accommodation being proposed.

- 4.7 It is in the light of this that the Society's Planning Group raise the following objections to the current proposals:

- The proposals do not demonstrate compliance with Building Regulations, Part B Fire Safety and does not justify the proposal to shut and block off the former escape exit to Ashby Mews
- The proposals do not take into account the light spillage from the proposed skylights/light wells/proposed open roof area
- The proposal do not provide any mitigation measures for the potential noise disturbance to and from adjacent Mews units/gardens
- The proposals have not considered a green roof
- The proposals do not demonstrate that the bin store would have sufficient for the future occupiers.

- 4.8 The letters are available to Members.

5.0 Policy Context

Introduction

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

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

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

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

National Planning Policy Framework

- 5.4 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 5.5 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

Other National Guidance

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

London Plan (March 2015)

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

Policy 5.3 Sustainable design and construction,
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

Core Strategy

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

Spatial Policy 2 Regeneration and Growth Areas

Spatial Policy 5 Areas of Stability and Managed Change

Core Strategy Policy 5 Other employment locations

Core Strategy Policy 7 Climate change and adapting to the effects

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 15 High quality design for Lewisham

Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Local Plan

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

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

DM Policy 1 Presumption in favour of sustainable development

DM Policy 11 Other employment locations

DM Policy 22 Sustainable design and construction

DM Policy 25 Landscaping and trees

DM Policy 27 Lighting

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

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

Brockley Conservation Area Supplementary Planning Document (December 2005)

- 5.11 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, chimneystacks, 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.

6.0 Planning Considerations

6.1 Although Prior Approval for the change of use to residential has been approved, the residential use has not yet been implemented and therefore the application site can only be considered as a B1 Office space, which was its last use, for the purposes of this planning application.

6.2 The main issues to be considered in respect of this application are:

- Principle of Development
- Design and Conservation
- Impact on Adjoining Properties
- Landscaping

Principle of Development

6.3 The National Planning Policy Framework states that there should be a presumption in favour of sustainable development so long as the proposals accord with the provisions of the development plan for the borough. The NPPF encourages the effective use of land by reusing land that has been previously developed (brown field land).

6.4 Whilst it is recognised that the site benefits from prior approval for residential units the proposal is for alterations to the existing building which is still classified as an office and the scheme under consideration does not include a change of use, nor an increase in density. Therefore so long as the proposed alterations do not result in any visual detriment to the appearance of the existing building, the street scene or the Brockley Conservation Area, or significantly compromise the amenities of nearby residential occupiers, the principle of development is considered to be acceptable.

Design and Conservation

6.5 DM Policy 36, New development, changes of use and alterations affecting designated heritage assets and their setting... requires all planning applications for proposals affecting heritage assets to provide a statement setting out the impact to the significance of that asset and any harm or loss to that asset should be robustly justified. In particular, the policy continues to advise that planning permission would not be granted for developments or alterations and extensions to existing buildings that are deemed incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.

6.6 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

- 6.7 The NPPF states that proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.
- 6.8 Development Management Local Plan (DMLP) Policy 30 Urban design and local character states that all developments, including alterations and extensions, should attain a high design. The design response of any such alterations should create a positive relationship to the existing townscape.
- 6.9 The office building is unremarkable in appearance and low key in terms of its scale, materials and fenestration. It is dated stylistically to the late 1950s and is not of special architectural or historical interest and are not typical of the buildings which the Conservation Area designation or Article 4 Direction sought to protect. However, Officers consider that the building has a neutral impact to the appearance of the Brockley Conservation Area. Any proposed alterations need to be sympathetic to the architectural language of the application building to ensure that its current neutral impact does not become a negative one.

Lightwells

- 6.10 None of the lightwells would be visible from the public realm. The exposed strip along the eastern side of the building would be shielded from views from the public realm by the existing single storey building to the front.
- 6.11 The lightwells would not be visible from the public realm. Given the overall size of the existing building and the relatively limited alterations proposed, Officers consider the proposals to be minor, having a negligible impact upon the appearance of the application building and the Conservation Area and therefore do not raise any objections.

Alterations to the front

- 6.12 The proposal would upgrade the existing facades of the application building by repairing brickwork, replacing fascia boards and installing new planting. During the course of the application revisions were submitted. The revised drawings resulted in areas of the façade, initially proposed to be rendered, to be repaired with brickwork to match the existing. The revisions also resulted in subtle articulation to the outbuilding (bin store) to the front.
- 6.13 Officers consider the proposed alterations to the facades of the building to be acceptable as they would improve the appearance of the application building and thus enhance the street scene and the Brockley Conservation Area generally.

Impact on Adjoining Properties

- 6.14 Core Strategy Policy 15 states that new development should be designed in a way that is sensitive to the local context. It must therefore be demonstrated that

proposed alterations are neighbourly and that significant harm would not arise with respect to overbearing impact, overshadowing, loss of light, loss of outlook or general noise and disturbance. DM Policy 31 seeks to ensure that residential alterations should result in no significant loss of privacy and amenity to adjoining houses and their back gardens.

- 6.15 The properties fronting Manor Avenue would be affected the most by the development given that the largest opening within the application building would abut their plots. However, the Manor Avenue properties are in excess of 30m from the application site. It is not considered that these openings would give rise to any significant amenity impact. Further, any noise and disturbance from the use of the building would be compatible with the amenities of nearby residential occupiers. For that reason, officers consider any additional noise and disturbance derived from the proposed works would be acceptable.

Landscaping

- 6.16 London Plan policy 5.10 Urban Greening states that new developments should integrate forms of urban greening into proposals, such as soft landscaping. Development Management Local Plan Policy 25 Landscaping and trees requires developments to submit a landscaping scheme while DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens states that landscaping features that positively contribute to the character of the conservation area are to be retained.
- 6.17 The proposal is to enhance the existing garden area to the front of the plot (fronting Ashby Road and Ashby Mews) with hedging which is welcomed. In order to ensure that the planting has the best chance of longevity, a condition is recommended requesting details of the proposed species.

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 Officers consider that the proposed lightwells and the alterations to the facades and front garden accord with planning policy and are therefore acceptable.

9.0 RECOMMENDATION (A)

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:

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

3. (a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees, DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).