

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 11/01986/OUT

Ward:
Penge And Cator

Address : 44 - 45 Green Lane Penge London SE20
7JX

OS Grid Ref: E: 535637 N: 170142

Applicant : Mr Olby

Objections : YES

Description of Development:

Demolition of existing buildings and erection of a 3 storey building for mixed use development comprising 2 commercial units (Classes A1, A2, A3, B1 and D1) with 9 residential units above, including associated cycle and refuse storage and 9 parking spaces

OUTLINE APPLICATION

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
London Distributor Roads
Secondary Shopping Frontage

Proposal

- The proposal seeks outline planning permission for the demolition of the existing buildings, the erection of a 3 storey building for mixed use development comprising 2 commercial units at ground floor level and 9 residential units above.
- The proposed commercial units at ground floor level will accommodate uses which fall within Classes A1, A2, A3, B1 or D1. However the Transport Note generated by Gateway Transport Planning states in Paragraph 3.6 that the proposed shop units would be in open Use Class A1.
- The scheme will provide 9 car parking spaces, associated refuse storage and bicycle parking. Access to the site would be via the existing vehicular access from Cottingham Road, which at present is wide enough to allow two vehicles to pass. The layout of the car parking spaces and the vehicular access combined therefore enables vehicles to enter and leave the site in a forward direction.

- The building will occupy a similar footprint to the existing buildings on the site, and as a result the remaining land within the curtilage of the site will be retained for car parking and amenity space. The amenity space to be provided would be landscaped, with the garden area having a maximum depth of 10 metres and a maximum width of 23 metres. There are no existing trees or landscaping on the site, however the proposal seeks to implement a landscaping scheme which would soften the impact of the development within the area.
- The residential units would be accessed from the rear of the site via Cottingham Road, using a central staircase, with 5 units at first floor level comprising 2 two bedroom units and 3 one bedroom units, and at second floor comprising of 4 two bedroom units.
- Windows in the buildings will be to the front and rear elevations, and the ground floor commercial units will provide an active frontage onto Green Lane.
- The scheme is in outline form, therefore whilst plans have been provided to indicate the scale, appearance and design of the proposals, all matters have been reserved and the plans are for indicative purposes only. However, the proposal indicates that the fenestration, materials and design would complement the existing buildings in Green Lane. The overall width of the building at ground floor level is shown on the indicative plans as being approximately 23 metres, with the overall depth being approximately 19.5 metres. The maximum height illustrated on the plans will be approximately 11 metres, with a flat roof. This will be higher than the property to the north-east, Number 42 Green Lane, will match the property directly to the south-west, Number 48 Green Lane, but will be lower than the property further to the south-west, located on the corner of Green Lane and High Street.
- The development will be designed to ensure safe access with the criteria of Secured by Design being implemented. As a result, appropriate gates will be installed to the car parking area, along with secure entry to the residential parts of the development.

Location

The application site is located on the south-eastern side of Green Lane, close to the junction with Green Lane, Croydon Road and Penge High Street.

The site is defined as being located within Penge Town Centre, offering a medium public transport accessibility level of 4 (where 6 is highest and 1 is lowest). There are a number of bus routes within the town centre location, the site is within walking distance to Penge East, Penge West and Kent House rail stations, and there are a variety of retail, commercial and community facilities within the vicinity.

The site itself has an area of approximately 0.1 hectares, with a frontage of approximately 23 metres onto Green Lane, an 8.5 metre boundary with Cottingham Road, and an existing vehicular access to the rear from Cottingham Road. The site has an approximate depth of 57 metres when measured from Green Lane to Cottingham Road.

At present, there are two linked buildings on the site, currently used as electrical distributors. These two buildings have an approximate gross retail floor area of 475 square metres, and the site can accommodate parking for 6 cars. The first building on the site, located to the north east of the site, is a single storey building with a glazed shopfront retail unit at ground level, and to the south west is the second unit which is a two storey flat roofed unit with a glazed shopfront at ground floor level.

To the rear of the building is a service yard with hard surfacing, providing access to Cottingham Road and the vehicular access for the site. Cottingham Road itself is characterised by two storey terraced residential dwellings, and opposite the site along Green Lane are a terrace of retail units, restaurants and the rear yard of Penge Police Station.

Comments from Local Residents

Local residents were consulted regarding the application and the following concerns were raised:

- loss of light and outlook;
- overlooking / loss of privacy;
- noise from proposed apartments and car park;
- increase in parking problems along Cottingham Road – 9 parking spaces within proposal not sufficient;
- not a reasonable separation for houses;
- proposal does not integrate into the streetscene;
- stress to local residents before, during and after build;
- the opportunity does exist for a more sensitively designed mixed use scheme which would make more efficient use of the land which would respect and complement existing development;
- visual dominance of the streetscene
- height of proposal will not respect existing area;
- size of build is excessive;
- proposal does not have the appropriate amenity space or car parking space, and the design will cause an unacceptable impact upon nearby residential properties;
- once the development is built, the public access to and from the site will expose the rear gardens of properties along Cottingham Road, increasing the risk of crime;
- D&A Statement states “the need to safeguard the amenity of neighbouring residents”. but the building will tower over gardens, looking directly into bedrooms, bathrooms and kitchens.
- 9 parking spaces is insufficient – already parking problems in the area as Green Lane is ‘no parking’ so the proposal will only exacerbate the problems for existing residents of Cottingham Road;
- the document “Gateway Transport Planning” states that the existing electrical distribution outlet is serviced from Green Lane. This however is wrong. All deliveries take place from Cottingham Road;
- the current electrical shop provides some customer parking but it is still not enough and the remainder of customers park in Cottingham Road;

- the new proposal provides no customer parking;
- 9 flats will generate a lot of rubbish. The rubbish facilities will be placed in a very sunny area which as the rubbish is only collected every two weeks, will create bad smells and attract vermin;
- there are already a number of vacant commercial premises in the area, an additional 2 units are unnecessary.

The adjacent property, No. 42 Green Lane also offered the following points:

- the existing building is 2.5 metres away and would not want any future development any closer in order to prevent loss of light;
- the plans show shrubs / plants blocking an existing fire exit which has been used for 25 years;
- object to proposed A3 use – already 3 takeaway units opposite in Green Lane, 3 more around the corner;
- litter is regularly dropped outside premises, and any further A3 use will not be welcome;
- apart from above, no objection to proposed development as long as the uses do not impede business by causing access problems in Green Lane.

Full copies of all correspondence can be found on the file.

Comments from Consultees

Highways: The site is situated on the southern side of Green Lane, within an area with medium PTAL rate of 4. Green Lane is also a London Distributor Road (LDR). Nine car parking spaces are offered for the development via an existing vehicular crossover, which is acceptable, subject to conditions if permission is granted.

Crime Prevention: Would expect the principles of Secured by Design to be applied to the whole development, both commercial and residential use. It is welcomed that the applicant recognises access to the rear of the site will need to be controlled, a number of other measures will need to be incorporated in order to reduce and prevent criminality. The application fails to demonstrate how such measures will be incorporated into the development, however as it is an outline application, it should be possible to achieve SBD accreditation with the guidance 'SBD New Homes 2010'. If permission is granted, a Secured by Design condition should be applied.

Waste Services: Provision for waste and recycling containers required, in accordance with 'Notes for Developers'.

Transport for London: Content that the development would have no detrimental impact upon the operation of the Strategic Road Network given the proximity of the site from the A234, it is noted that although bicycle parking is mentioned, no detail appears to be provided. Subject to appropriate provision, TFL are content that the application will have no detrimental impact upon the operation of the Strategic Road Network.

Environmental Health (Pollution): No objections to the principle of the proposal. Any A3 use however will require an adequate kitchen extraction system.

Thames Water: No objection with regard to sewerage infrastructure or water infrastructure. Surface water drainage is the responsibility of the developer, and if the proposal will discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Planning Considerations

The application falls to be determined in accordance with the following Unitary Development Plan policies:

- BE1 Design of New Development
- BE2 Mixed Use Developments
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- T3 Parking
- T6 Pedestrians
- T7 Cyclists
- T17 Servicing of Premises
- T18 Road Safety
- S2 Secondary Frontages

At strategic level, the most relevant London Plan policies are:

- 3A.1 Housing
- 3A.3 Maximising the Potential of Sites
- 3A.5 Housing choice
- 4B.1 Design Principles

There are a number of national policy documents that are relevant to the consideration of this application:

- PPS 1: Delivering Sustainable Communities;
- PPS 3: Housing;
- PPS 6: Planning for Town Centres;
- PPG 13: Transport

Planning History

There is no relevant planning history at the site itself.

The adjacent site, Number 46 Green Lane, does however have some relevant planning history which can be summarised as follows:

DC/09/03091 – Application refused for change of use of first and second floors from retail into 6 two bedroom flats and 2 studio flats. Elevational alterations. 3 car parking spaces at rear.

DC/10/01253 – Application permitted for change of use of second floor into 3 two bedroom flats and 1 one bedroom flat, elevational alterations and 3 car parking spaces at the rear.

DC/10/02819 – Application refused for retrospective application for change of use of first and second floors from Retail (Class A1) to Place of Worship (Class D1).

DC/11/01811 – Application pending consideration for change of use of ground floor from retail shop (Class A1) to gym health club (Class D1).

Conclusions

The main issues that Members may wish to consider are the impact of the proposed development upon the character of the area, the impact of the proposed development upon the amenities of local residents, the density level of the proposed development, and whether the proposed uses of the ground floor commercial units, albeit at outline application stage, are appropriate in this location. In terms of the proposed use classes being offered at ground floor level in this location, some would be more appropriate than others. Members may consider that providing Class A1, A2 or A3 uses within the commercial ground floor units would be appropriate within this location, providing an active frontage and a variety of facilities within close proximity to the main high street.

However uses within Classes B1 and D1 require careful assessment given likely parking requirements and the impact on the vitality of the shopping area. Members may therefore consider that in terms of the ground floor use, this can be controlled by way of condition in order to achieve a sustainable use within the town centre location.

With regard to the proposed residential units in relation to the amenities of adjacent residents, it is considered that the proposed development would have some impact upon the outlook and character that the site currently provides, however there would be an approximate maximum distance of 10 metres between the rear elevation of the proposed building and the property boundary shared with the dwellings located to the rear of the site, along Cottingham Road, which will help to preserve the privacy of the residents of Cottingham Road.

There is an existing vehicular access to the site which will be utilised within the proposed development; therefore there will be limited additional impact to the nearby residents in terms of the current vehicle arrangements.

It is considered that in terms of the density levels of the residential units being provided within the site, the scheme will provide 90 units per hectare. Policy H7 of the Unitary Development Plan indicates that in a location such as this, a density level of 55-175 units per hectare should be provided. This scheme therefore appears to fall within this guideline. However, Members should note that Central Government advice has recently removed reference to specific density requirements. Notwithstanding this, it is considered that the proposal to provide 9 residential units at first and second floor level on this site is acceptable in terms of the intensity of use of this particular site in the town centre location.

It is noted that the building will be higher than the existing building which will have some impact upon the current outlook for nearby residents; however the separation is such that the increase in height is not considered sufficient to warrant a refusal of planning permission. In addition there are properties nearby that are of a similar height to that being proposed, therefore the resulting building would not lead to an obtrusive feature within the streetscene nor would it be out of keeping within the wider area.

Whilst balcony areas have been included within the indicative plans, Members may consider that these elements are likely to lead to direct overlooking of nearby residential properties. As such, it would be appropriate to impose a condition to prevent balcony areas being included, should permission be granted for the current scheme.

Members are therefore requested to determine that on balance the proposal is acceptable and worthy of permission being granted based upon the outline details provided, prior to an application for details being submitted in the future.

Background papers referred to during production of this report comprise all correspondence on file ref. 11/01986, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | | |
|----|-----------------|--------------------------------------------------------|------------------------------------------------------|
| 1 | ACA02
ACA02R | Details req. pursuant outline permission
Reason A02 | access,
appearance, landscaping, layout and scale |
| 2 | ACA03
ACA03R | Compliance with landscaping details
Reason A03 | 1 |
| 3 | ACA07
ACA07R | Boundary enclosure - no detail submitted
Reason A07 | |
| 4 | ACC01
ACC01R | Satisfactory materials (ext'nl surfaces)
Reason C01 | |
| 5 | ACC03
ACC03R | Details of windows
Reason C03 | |
| 6 | ACD02
ADD02R | Surface water drainage - no det. submitt
Reason D02 | |
| 7 | ACD04
ADD04R | Foul water drainage - no details submitt
Reason D04 | |
| 8 | ACH02
ACH02R | Satisfactory parking - no details submit
Reason H02 | |
| 9 | ACH18
ACH18R | Refuse storage - no details submitted
Reason H18 | |
| 10 | ACH22
ACH22R | Bicycle Parking
Reason H22 | |
| 11 | ACH29
ACH29R | Construction Management Plan
Reason H29 | |
| 12 | ACH32
ADH32R | Highway Drainage
Reason H32 | |

- 13 ACI21 Secured By Design
ACI21R I21 reason
- 14 ACK05 Slab levels - no details submitted
ACK05R K05 reason
- 15 The ground floor premises shall be used for Use Class A1, A2, or A3 and for no other purpose.

Reason: In order to protect the residential amenities, vitality and viability of the area, and to comply with Policies BE1 and S2 of the Unitary Development Plan.

- 16 No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground water and sewerage utility infrastructure. Piling has the potential to impact upon local underground water and sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

Reasons for granting permission:

In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

- BE1 Design of New Development
- BE2 Mixed Use Developments
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- T3 Parking
- T6 Pedestrians
- T7 Cyclists
- T17 Servicing of Premises
- T18 Road Safety
- S2 Secondary Frontages

The development is considered satisfactory in relation to the following:

- (a) the appearance of the development in the street scene
- (b) the relationship of the development to adjacent property
- (c) the character of the development in the surrounding areas
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties, in relation to privacy, light and outlook
- (e) the safety of pedestrians and motorists on the adjacent highway
- (f) the safety and security of buildings and spaces around them
- (g) accessibility to buildings

- (h) sustainability issues
- (i) the shopping policies of the development plan
- (j) the provision of satisfactory living accommodation for future residents of the flats/houses
- (k) the transport policies of the development plan
- (l) the employment policies of the development plan

INFORMATIVE(S)

- 1 RDI05 Consent under Water Resources Act
- 2 RDI10 Consult Land Charges/Street Numbering
- 3 RDI15 Highways Act – overhanging vehicles
- 4 Where the developer proposed to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water’s Risk Management Team by telephoning 020 8507 4890 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.co.uk. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
- 5 The applicant is advised that Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 6 The applicant is advised that balconies are not considered acceptable as part of any future application for details pursuant to the permission hereby granted, and such features should not be included in the details application.
- 7 The applicant is advised that Use Class B1 and Use Class D1 being proposed as part of any details pursuant application would not be supported in this town centre location.

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