

SECTION '2' – Applications meriting special consideration

Application No : 12/02049/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 8 residential units above, including associated cycle and refuse storage and 8 parking spaces

OUTLINE APPLICATION

Key designations:

Secondary Shopping Frontage

Proposal

- The proposal seeks outline planning permission for the 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 8 residential units above, including associated cycle and refuse storage and 8 parking spaces.
- The proposed commercial units at ground floor level will accommodate uses which fall within Classes A1, A2, A3, B1 or D1.
- The scheme would provide 8 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 would occupy a smaller footprint than 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 11 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 4 units at each floor. All 8 flats would be two bedroom units.
- Windows in the buildings would be to the front and rear elevations, and the ground floor commercial units would 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 a building of simple, contemporary design with significant amount of glazing. 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 18 metres. The maximum height illustrated on the plans will be approximately 10 metres, with a flat roof.
- The development would 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 high public transport accessibility level rate of 5 (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/balconies and car park;
- increase in parking problems, inadequate car parking provision;
- security issues – the communal space at the rear would provide easy access to the gardens of properties along Cottingham Road;
- not a reasonable separation for houses;
- the height of the building is still not acceptable, it should be limited to 2 storeys;
- planting insufficient to shield from the building;
- waste problems; 8 flats would 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;
- the proposed uses are not welcomed due to reasons of customer parking, opening hours, noise, litter and cooking smells.

The adjacent property, No. 42 Green Lane, wished to raise no objections subject to the following points;

- the existing fire exit to No. 42 is not obstructed and the possibility of evacuation onto the rear of the site remains;
- the new building is built no closer than the existing one so as not to interfere with the existing light provision;
- concerns with regard to traffic and parking problems that may result from commercial uses;
- objection to any food/café within A1 use and all D1 use – these lead to noise nuisance, as well as litter and waste problems.

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 5. Green Lane is also a London Distributor Road (LDR). Eight 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: No objection subject to the development achieving Secured by Design accreditation.

Waste Services: Concerns raised with regard to the size of the bin store.

Transport for London: No in principle objection subject to appropriate conditions.

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:

- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 4.7 Retail and town centre development
- 6.9 Cycling
- 6.13 Parking
- 7.3 Designing out crime
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 8.3 Community infrastructure levy.

The National Planning Policy Framework 2012.

Planning History

88/03094/FUL – SHOPFRONT – Permission Granted.

11/01986/OUT - 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) – Permission Refused on 05.10.2011 for the following reasons:

The proposal constitutes an intensification of uses and an overdevelopment of the site harmful to the character and appearance of the area and contrary to Policies BE1 and H7 of the Unitary Development Plan.

The proposal, due to its size, height, siting and design would be harmful to the amenities currently enjoyed by neighbouring residents, particularly No.7 Cottingham Road, by reason of overlooking and loss of privacy and prospect, contrary to Policies BE1 and H7 of the Unitary Development Plan.

Subsequent appeal to Planning Inspectorate was dismissed on 2 March 2012 (APP/G5180/A/11/2162958) on the grounds of the harm to the living conditions of nearby residents.

Conclusions

The current application is a revised/reduced version of the previous appeal scheme. The sole reason for dismissal of the appeal related to the proximity of the building and its height in relation to the outlook and privacy of the adjoining houses and gardens at 7 and 9 Cottingham Road.

The following modifications are introduced within the current scheme:

- The building has been reduced in depth. At ground floor level by 1.5m, at first floor level the set back varies between 1m - 6m and at second floor level between 1m - 4m respectively;
- The building has been reduced in height by approximately 1m and would be lower than the neighbouring building at 46 Green Lane;
- Integrated balconies have been designed into the building at the rear, but these would be enclosed behind privacy screens.

Therefore, the main issues that Members may wish to consider are whether the proposed modifications are sufficient to ensure that the previously anticipated negative effects would be alleviated to a satisfactory degree.

It is noted that the building would be higher than the existing building which would 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 proposal would not result in an obtrusive feature within the streetscene or the creation of an undue sense of enclosure.

In terms of the rear windows, there would be a separation of at least 27 metres to the properties along Cottingham Road. This distance is considered adequate to ensure mutual privacy would be safeguarded. Whilst balconies have been included within the indicative plans, these would be enclosed behind privacy screens which,

if subject to an appropriate condition requiring a satisfactory level of obscurity, would ensure that no undue overlooking would result.

Members may consider, however, that these screens, due to their height, are likely to reduce the outlook available to the future occupiers of the south facing flats (Flats 1, 2, 5 and 6).

The previous appeal established the general acceptability of the principle of the proposed uses in this location. Nonetheless, it is considered that whilst Class A1, A2 or A3 uses within the commercial ground floor units would be appropriate offering an active frontage and a variety of facilities within a close proximity to the main high street, uses within Classes B1 and D1 require careful assessment given their possible impacts on the vitality of the shopping area. In the light of the above, Members may consider that in terms of the ground floor commercial use, this should be controlled by way of condition in order to achieve a sustainable use within this town centre location.

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. 12/02049, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | | |
|----|--------|--|-------------|
| 1 | ACA02 | Details req. pursuant outline permission | appearance, |
| | | landscaping, layout and scale | |
| | ACA02R | Reason A02 | |
| 2 | ACA03 | Compliance with landscaping details | 1 |
| | ACA03R | Reason A03 | |
| 3 | ACA07 | Boundary enclosure - no detail submitted | |
| | ACA07R | Reason A07 | |
| 4 | ACC01 | Satisfactory materials (ext'nl surfaces) | |
| | ACC01R | Reason C01 | |
| 5 | ACC03 | Details of windows | |
| | ACC03R | Reason C03 | |
| 6 | ACD02 | Surface water drainage - no det. submitt | |
| | ADD02R | Reason D02 | |
| 7 | ACD04 | Foul water drainage - no details submitt | |
| | ADD04R | Reason D04 | |
| 8 | ACH02 | Satisfactory parking - no details submit | |
| | ACH02R | Reason H02 | |
| 9 | ACH18 | Refuse storage - no details submitted | |
| | ACH18R | Reason H18 | |
| 10 | ACH22 | Bicycle Parking | |
| | ACH22R | Reason H22 | |
| 11 | ACH23 | Lighting scheme for access/parking | |

- ACH23R Reason H23
- 12 ACH29 Construction Management Plan
ACH29R Reason H29
- 13 ACH32 Highway Drainage
ADH32R Reason H32
- 14 ACI20 Lifetime Homes Standard/wheelchair homes
ADI20R Reason I20
- 15 ACI21 Secured By Design
ACI21R I21 reason
- 16 ACI24 Details of means of screening-balconies
ACI24R Reason I24R
- 17 ACK05 Slab levels - no details submitted
ACK05R K05 reason
- 18 ACK19 No air conditioning
ADK19R Reason K19
- 19 The commercial uses hereby permitted shall not operate outside the following times: Mondays to Fridays: 07:00 and 22:00 hours; Saturdays: 08:00 and 18:00 hours; Sundays and Bank Holidays: 09:00 and 16:00 hours.

Reason: In order to ensure a satisfactory standard of amenity for adjacent properties and to comply with Policy BE1.

- 20 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 UDP.

- 21 Notwithstanding the provisions of Part 42 of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 (or any Order revoking and re-enacting that Order), no extension or alteration to a commercial unit the subject of this permission shall be carried out without planning permission having first been obtained via the submission of a planning application to the Local Planning Authority.

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

- 22 Details of parking submitted pursuant to condition 1 shall show at least 2 car parking spaces with provision for electric vehicle charging points and at least 2 car parking spaces allocated for blue badge parking.

Reason: In order to comply with the London Plan Policy 6.13.

- 23 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.

24 No deliveries to any part of the development except the residential units shall be taken to or dispatched from, the site other than between the hours of 07:00 and 22:00 Mondays to Saturdays, and at no time on Sundays, Bank Holidays or Public Holidays.

Reason: To protect the amenity of neighbouring occupiers and the surrounding area, and to comply with Policy BE1 of the UDP.

25 All fumes from cooking processes associated with the A3 use shall be extracted via a flue or such other method approved by the Local Planning Authority. Details of ventilation and filtration equipment, including details of all external plant equipment and trunking, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the A3 use hereby permitted. All flues, ducting and other equipment shall be installed in accordance with the details subsequently approved prior to the A3 use commencing and shall be retained and operated in accordance with the manufacturers instructions for the duration of the use.

Reason: To protect the amenity of neighbouring occupiers and the surrounding area, and to comply with Policy BE1 of the UDP.

Reasons for granting permission:

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

and having regard to all other matters raised.

INFORMATIVE(S)

- 1 This proposal also requires consent under the Water Resources Act 1991 and the relevant Land Drainage Byelaws, and application must be made to the Environment Agency.
(N.B. This informative applies to development within 8m of the River Ravensbourne and its tributaries which are "main" rivers. The Land Drainage Act 1991 applies to works to the channel of ordinary watercourses which might affect their flow. It will be clear from the comments of the

- Highway Drainage Team and/or the Environment Agency when it is appropriate.)
- 2 You should consult the Land Charges and Street Naming/Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: address.management@bromley.gov.uk regarding Street Naming and Numbering.
 - 3 You are advised that it is an offence under Section 137 of the Highways Act 1980 to obstruct "the free passage along the highway" (which includes the footway i.e. the pavement). This means that vehicles parked on the forecourt should not overhang the footway and therefore you should ensure that any vehicle is parked wholly within the site.
 - 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 In order to check that the proposed storm water system meets the Council's requirements, the following information shall be provided:
 - A clearly labelled drainage layout plan showing pipe networks and any attenuation soakways;
 - Where infiltration forms part of the proposed storm water system such as soakways, soakage test results and test locations are to be submitted in accordance with BRE digest 365;
 - Calculations should demonstrate how system operates during the 1 in 30 year critical duration storm event plus climate change.
 - 7 Before the use commences, the Applicant is advised to contact the Pollution Team of Environmental Health and Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley website.

- 8 If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.
- 9 You should be advised that an additional cycle parking space should be provided for the employees of the commercial elements of the proposal
- 10 You should be advised that the cycle parking storage area is substandard. The storage area must be satisfactory to store one cycle for each residential unit; each bicycle requires a minimum area of 2m x 0.5m plus 0.5m manoeuvring space. Therefore, a store of approximately 2.5m x 4m would be required. Sheffield style stands are recommended.
- 11 The application site is located within an Air Quality Management Area declared for NO_x. In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NO_x emission rate of <40mg/kWh.

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