

SECTION '2' – Applications meriting special consideration

Application No : 12/03330/VAR

Ward:
Copers Cope

Address : Land Rear Of 86 To 94 High Street
Beckenham

OS Grid Ref: E: 537366 N: 169537

Applicant : London & Quadrant

Objections : YES

Description of Development:

Variation of condition 18 of planning permission ref. 11/02100/FULL1 granted on appeal (ref. APP/G5180/A/11/2167690) to allow installation of structures, plant, equipment or machinery on the roofs of the buildings with the Council's written approval

Key designations:

Areas of Archaeological Significance
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Flood Zone 2
London City Airport Safeguarding
London City Airport Safeguarding Birds
London Distributor Roads
Tree Preservation Order

Proposal

Planning permission was granted at appeal in July 2012 for 3 four storey blocks comprising 9 one bedroom, 32 two bedroom and 3 three bedroom flats, with 37 car parking spaces, bicycle parking, landscaping and access.

Condition 18 of the appeal decision states that:

'No structure, plant, equipment or machinery shall be placed, erected or installed on or above the roof of the buildings hereby permitted.'

However, condition 17 of the appeal decision requires a scheme of renewable energy to provide 20% of the energy requirements of the development. The Planning Statement, the Design and Access Statement and the Renewable Energy Demand Statement considered by the Inspector as part of the appeal indicated that renewable energy would be provided through roof mounted photo voltaic panels. The Design and Access Statement also included 3D visualisations indicating

rooftop photo voltaic panels and there was a discussion during the appeal hearing regarding these proposals.

The wording of condition 18 of the appeal decision prevents any rooftop installations. In order to be able to implement the scheme of on-site renewable energy generation and satisfy the requirements of condition 17, the applicant is now seeking a revised wording as follows:

'No structure, plant, equipment or machinery shall be placed, erected or installed on or above the roof of the buildings hereby permitted unless otherwise agreed in writing by the Local Planning Authority.'

Location

The 0.33 hectare site is currently vacant following a fire which destroyed the warehouse building and it has previously been used for light industrial, storage and other uses. There is presently a group of sycamore trees located towards the middle of the site.

Surrounding development typically comprises 3 and 4 storey commercial buildings with some residential uses on the upper floors and many of these buildings have been extended to the rear in a haphazard fashion. To the north of the site are the gardens of houses fronting Church Avenue whilst to the west is an area of undergrowth and trees which is part of the grounds of 32 Church Avenue. There is also a wooded area of designated Urban Open Space to the west of the site.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- loss of privacy
- approval will lead to subsequent applications for variations and an increase in the overall height of development on the site
- during the appeal residents were assured that the proposal included the height of the solar panels and another change is now proposed
- residents have been attacked with a barrage of applications in the area and feel powerless to resist new development.

Comments from Consultees

The Planning Inspectorate has been asked for their comments on the wording of condition 18 that was imposed by their Inspector and at the time of writing none have been received. Any comments received will be reported verbally at the meeting.

Planning Considerations

The proposal falls to be considered primarily with regard to the following policies:

UDP

H7 Housing Density and Design

BE1 Design of New Development

London Plan

3.5 Quality and design of housing developments

5.3 Sustainable Design and Construction

5.7 Renewable Energy

7.4 Local character

7.6 Architecture.

Conclusions

The proposed variation of the wording of condition 18 would not permit any rooftop installations but would provide the applicant with the opportunity to make a formal application for approval of rooftop installations in the future. The Council could disapprove any harmful proposals. The condition as it is currently worded appears unreasonable as restricts even minor rooftop installations such as a television aerial.

The appeal Inspector considered various documents indicating that the renewable energy requirements of the development would be provided through roof mounted photovoltaic panels. There is no indication within the Inspector's report that the roof mounted panels would be unacceptable or that an alternative to the proposed renewable energy scheme should be explored. It may therefore be the case that the wording of condition 18 was an error. The Planning Inspectorate has been contacted for their comments and if any are received these will be reported verbally at the meeting.

In conclusion it is considered that the revised wording of Condition 18 is reasonable and will allow the applicant to apply for roof mounted equipment and ensure that the Council can consider the acceptability of any future proposals.

RECOMMENDATION: APPROVAL

subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years beginning on July 26th 2012.
ACA01R A01 Reason 3 years
- 2 Except as provided for by other planning conditions, the development shall be carried out in accordance with the following approved drawings:

PL(00)01 — Site Location Plan;

PL(00)02 Rev C— Site Plan Ground Floor;

PL(00)03 Rev B — Site Plan Upper Floors;

PL(00)10 — Building A Plans;

PL(00)11 — Building B Plans;

PL(00)12 — Building C Plans;

PL(00)20 — Elevation 1, North;

PL(00)21 — Elevation 2, East;
PL(00)22 — Elevation 3, East;
PL(00)23 — Elevations 4 & 5, West;
PL(00)24 — Elevations 6 & 7, North / South Building C;
PL(00)25 — Elevation 8, South Blocks A and B; and
PL(00)27 — Typical Elevation 1:50.

ACC01R Reason C01

3 No development hereby permitted shall commence until details of a scheme of landscaping has been submitted to, and approved in writing by, the Local Planning Authority to include:

- a) a planting scheme (to include replacement trees and plant species that would attract insects as a food source for bats),
- b) the materials of paved areas and other hard surfaces
- c) the height, type and finishes of all boundary enclosures,
- d) details of hedgerow planting to the western boundary and of the provision of bat boxes and bird boxes as recommended in the ecological assessment
- e) a programme for implementation,

The planting scheme shall identify the type, size, species and location of the trees to be planted to replace those to be removed and which are covered by the extant Tree Preservation Order. All hard and soft landscaping shall be installed in accordance with the approved programme. Any trees or plants which within a period of 5 years from the substantial 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 to those originally planted. Notwithstanding what is shown on the submitted drawings, the only trees covered by the Tree Preservation Order that may be removed without the further consent of the local planning authority are those where their removal is directly necessary to implement the development hereby permitted and which does not include trees T3, T15 and T16 as identified in the submitted Arboricultural Report.

ACC01R Reason C01

4 No demolition, site clearance or building works (including trenches, pipelines for services or drains) shall be undertaken until Chestnut Pale fencing not less than 1.2 metres in height has been erected to protect every tree or tree group to be retained in accordance with details that shall previously have been submitted to, and approved in writing by the Local Planning Authority. The areas enclosed by fencing shall not be used for any purpose and no structures, machinery, equipment, materials or spoil shall be stored or positioned within these areas. Such fencing shall be retained during the course of the building work hereby permitted.

ACB02R Reason B02

5 No bonfires shall take place within 6 metres of the furthest extent of the spread of the canopy of any tree or tree group shown to be retained on the submitted drawings.

ACB02R Reason B02

6 No trenches, pipelines for services or drains shall be sited under the spread of the canopy of any tree or tree group shown to be retained in the approved

landscaping scheme without the prior agreement in writing of the Local Planning Authority.

ACB02R Reason B02

- 7 No development shall commence until details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) have been submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be made available before that part of the development hereby permitted and which it serves is first occupied, and permanently retained thereafter.

ACH18R Reason H18

- 8 No development shall commence until details of a scheme to light the access drive and car parking areas hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be self-certified to accord with BS 5489 – 1:2003. No building shall be occupied until the approved lighting that relates to that building has been installed and the lighting shall be permanently retained thereafter. To protect wildlife interests the lighting scheme should not change lighting levels along the site's western boundary.

ACH23R Reason H23

- 9 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include:

- a) measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised;
- b) the route construction traffic shall follow for arriving at and leaving the site;
- c) the provision of wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and before the end of the working day;
- d) the hours of operation of the construction operation; and
- e) the timescale for implementation for the measures; but shall not be limited to these matters.

The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

ACH29R Reason H29

- 10 No building hereby permitted shall be occupied until the car parking spaces and turning spaces to serve that building have been completed and made available to the occupiers and those facilities shall thereafter be kept available for such use by those occupiers.

ACH30R Reason H30

- 11 No building hereby permitted shall be occupied until bicycle parking to serve that building (including secure covered storage facilities for at least 44 bicycles) has been provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

ACH23R Reason H23

12 No development shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) measures to promote and encourage the use of alternative modes of transport to the car;
- b) a timetable for implementation; and
- c) measures and details for monitoring and updating including a timetable.

The approved Travel Plan shall be implemented and kept up to date in accordance with the approved timetable

ACH30R Reason H30

13 No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority of proposals for the construction of all the dwellings hereby permitted as "Lifetime Homes" having regard to the South East London Housing Partnership Wheelchair Guidance to include dwellings capable of occupation by wheelchair users and the arrangements for parking by the disabled. The identified dwellings shall be constructed in accordance with the approved details and the parking arrangements shall be retained.

Reason: In order to comply with Policies 3.8 of The London Plan and to ensure a satisfactory standard of residential accommodation.

14 No development shall commence until measures to minimise the risk of crime and to meet the specific needs of the application site and the development have been submitted to and approved in writing by the Local Planning Authority, no building shall be occupied until the approved measures have been implemented in accordance with the approved details. The security measures to be implemented in compliance with this condition shall seek to achieve the "Secured by Design" accreditation awarded by the Metropolitan Police.

ACI21R I21 reason

15 No demolition, site clearance or building works (including trenches, pipelines for services or drains) shall take place within the application site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation by an archaeological organisation approved in writing by the Local Planning Authority. Access shall be permitted to the site at all reasonable times for the carrying out of the investigation including making necessary records of items of interest and finds.

ACK08R K08 reason

16 No development shall commence until a contaminated land assessment and associated remedial strategy together with a timetable of works, has been submitted to and approved in writing by the Local Planning Authority.

a) The contaminated land assessment shall include a desk study be submitted to the Local Planning Authority for approval in writing. The desk study shall detail the history of the sites use and propose a site investigation strategy based on the relevant information discovered by the desk study. No investigations shall commence on site until the strategy has been approved in writing by the Local Planning Authority.

b) The site investigation, including relevant soil, soil gas, surface water and groundwater sampling shall be approved in writing by the Local Planning Authority.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors, a proposed remediation strategy and a quality assurance scheme regarding implementation of remedial works, and no remediation works shall commence or site prior to approval of these matters in writing by the Local Planning Authority. The works shall be of such a nature so as to render harmless the identified contamination given the proposed enduse of the site and surrounding environment.

d) The approved remediation works shall be carried out in full on site in accordance with the approved quality assurance scheme to demonstrate compliance with the proposed methodology or best practise guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for approval in writing.

e) Upon completion of the works, a closure report shall be submitted to and approved in writing by the Authority. The closure report shall include details of the remediation works carried out, (including of waste materials removed from the sit the quality assurance certificates and details of post-remedial sampling.

f) The contaminated land assessment, site investigation (including report), remediation works and closure report shall all be carried out by contractor(s) approved in writing by the Local Planning Authority.

ACK09R K09 reason

17 No development shall commence until a site-wide energy strategy assessment has been submitted to and approved in writing by the Local Planning Authority. The results of this strategy shall be incorporated into the final design of the buildings prior to first occupation. The strategy shall include measures to allow the development to achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation. Having regard to Policy S.6 of the London Plan, the feasibility of the provision of combined heat and power (CHP) to supply thermal and electrical energy to the site or the most appropriate buildings within the permitted development should be included within the assessment.

ACL03R Reason L03

18 No structure, plant, equipment or machinery shall be placed, erected or installed on or above the roof of the buildings hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

ACK03R K03 reason

19 No development shall commence until details of the proposed slab levels of the building(s) and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels.

ACK05R K05 reason

20 No development shall commence until a scheme has been submitted to, and approved in writing by, the Local Planning Authority to:

i) Identify a zone where works and loadings will be restricted to prevent the risk of damage to the 2 culverts on the site. The location of this zone shall be based on an assessment of the structural strength of the culverts. This must be agreed prior to commencement of any work within 10 metres of the culverts. Works within the approved zone shall then only proceed in accordance with the approved details.

ii) Provide compensatory flood storage (in accordance with those details set out in the submitted Flood Risk Assessment)

iii) Ensure the buildings will be constructed no closer than 2.7 metres measured horizontally from the extent of the culverts

iv) Provide details of foundations and a trench support structure beneath the edge of the building to facilitate any future works to the culverts.

v) Ensure finished floor levels are set no lower than 34.82m above Ordnance Datum (AOD) or other level supported by evidence of reduced flood risk that shall previously have been approved in writing by the local planning authority. The scheme shall be fully implemented in accordance with timing /phasing arrangements to be included in the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority and thereafter retained.

ADD03R Reason D03

21 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, and to include the prevention of the discharge of surface water onto the highway has been submitted to and approved in writing by the Local Planning Authority. The development to which it relates shall not be occupied until the approved works have been implemented. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

ADD03R Reason D03

22 No development shall commence until details and samples of the external materials have been submitted to and approved in writing by the local planning authority. Only the approved materials shall be used in the development.

ACC01R Reason C01

23 AJ02B Justification UNIQUE reason OTHER apps

23 Policies (UDP)

H7 Housing Density and Design

BE1 Design of New Development

Policies (London Plan)

3.5 Quality and design of housing developments

5.3 Sustainable Design and Construction

5.7 Renewable Energy

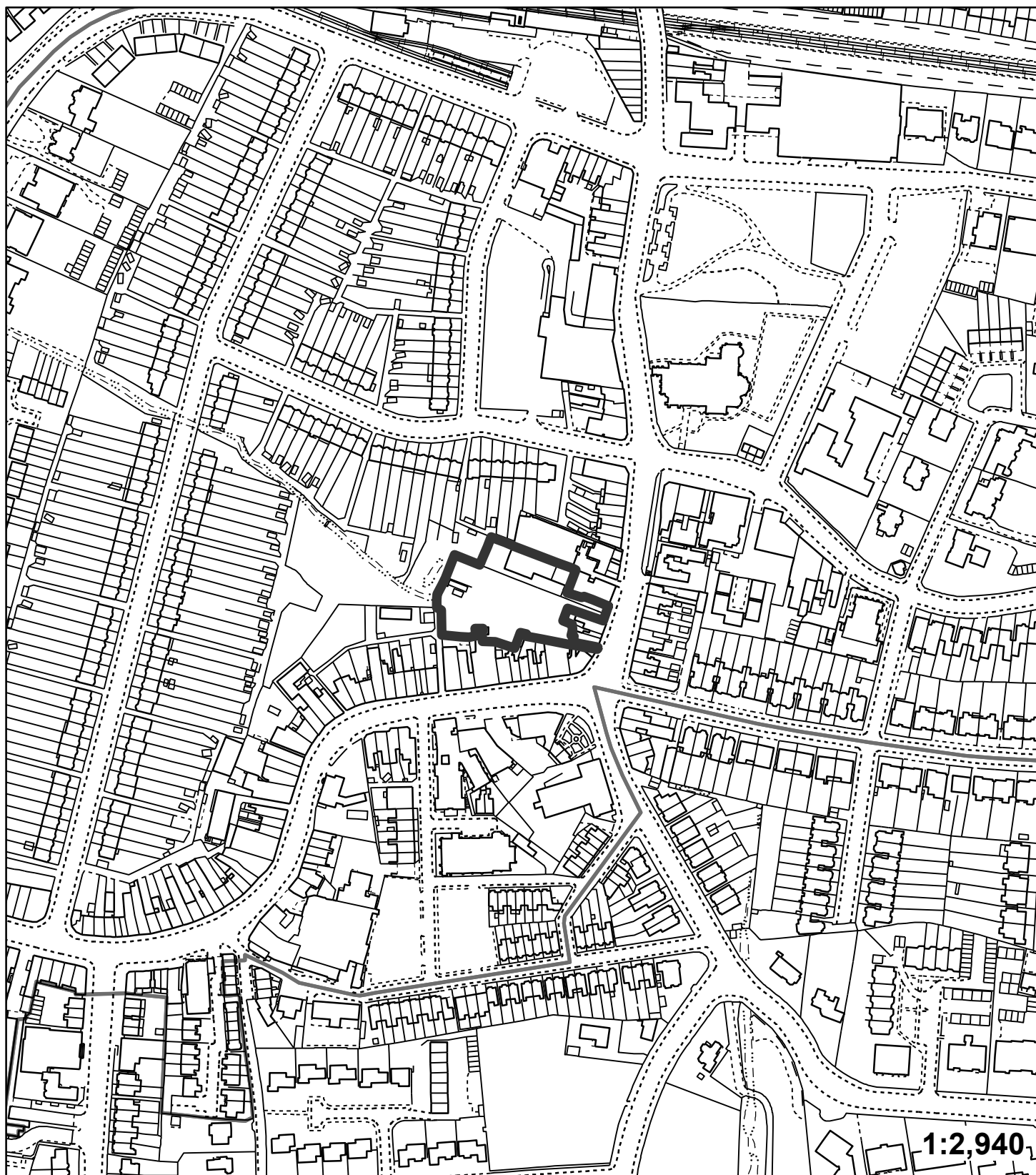
7.4 Local character

7.6 Architecture.

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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