

SECTION '2' – Applications meriting special consideration

Application No : 13/04218/FULL1

Ward:
Penge And Cator

Address : 2A Kingswood Road Penge London
SE20 7BN

OS Grid Ref: E: 535175 N: 170528

Applicant : Mr Chris Walker

Objections : NO

Description of Development:

Demolition of existing industrial building and ancillary offices and erection of a two storey building providing four 2 bedroom flats with associated landscaping, parking, cycle and bin storage.

Key designations:

Biggin Hill Safeguarding Birds Aldersmead Road
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds

Update

Members should be aware that this application was considered by Members of Plans Sub-Committee 2 on 20th February 2014 where it was resolved to grant planning permission, subject to conditions. It is noted that the decision notice was not issued. Following the meeting it came to light that a property that adjoins the site was not sent a formal notification letter informing the occupants of the application. In order to rectify this situation, and following advice from the Councils Legal department, formal notification was sent to this address to allow the occupants the opportunity to make representations, should they wish to.

The application is therefore on the agenda of the next available Plans Sub-Committee to allow any additional consultations to be considered. Any consultation responses received will be reported to Members at the meeting.

Proposal

The proposal is to demolish the existing industrial buildings on the site and erect a two storey development of 4 x two bedroom apartments. Each apartment would have its own parking space. Flats 1 and 2 on the ground floor would have private outside amenity areas, with Flats 3 and 4 on the first floor having a recessed balcony.

The application is accompanied by various supporting documents including:

- Marketing information relating to the existing building
- An appraisal of the structural condition of the existing building
- A photo survey illustrating the dilapidated state of the existing premises
- An Environmental Screening Report
- A Statement of Community Involvement detailing the public consultation on the proposal that has been undertaken

Location

The application site currently comprises a derelict industrial building on the eastern side of Kingswood Road, located close to Penge High Street to the south. The area has a PTAL rating of 4.

The existing building itself is located to the rear of No.2, 2A and 4 Kingswood Road, covering the site almost in its entirety. Although currently vacant, the building housed ancillary offices associated with the industrial works to the rear. The property is currently in a very poor state of repair and has been the subject of vandalism and criminal activity in recent times.

Comments from Local Residents

Nearby owners/occupiers were notified of the application. At the time of writing, 4 letters of support were received which made the following points:

- the need for a change of use is accepted
- the proposal would be a great improvement on what is on site at the moment
- new housing stock is supported
- parking provision is sufficient
- the existing building attracts squatters and therefore the re-development is supported
- the view from Mosslea Road will be improved
- there will be no overlooking due to the proposed high-level windows
- the area is predominantly residential and the scheme fits into the space comfortably

Comments from Consultees

Technical Highways comments were received which raise no objection, subject to planning conditions.

The Council's drainage team raise no objection subject to conditions.

Thames Water raise no objection with regard to sewerage infrastructure and water infrastructure.

From an Environmental Health perspective, there are no objections in principle. A condition relating to soil conditions on site is suggested. With regard to Environmental Health (Housing), at the time of writing no comments were received

The Council's Design Out Crime Officer has suggested a planning condition be attached to any permission that may be granted in order for the applicant to indicate how measures to meet Secured by Design standards can be incorporated into the scheme.

Planning Considerations

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

BE1 Design of New Development
H7 Housing Density and Design
H9 Side Space
ER4 Sustainable and Energy Efficient Development
ER7 Contaminated Land
EMP5 Development Outside Business Areas
T3 Parking
T18 Road Safety.

The above policies are considered to be consistent with the principles and objectives of the National Planning Policy Framework which is a key consideration in the determination of this application.

The Council's SPG guidance is also a consideration.

Planning History

The site has a long history relating to unsuccessful planning applications for development proposals, which include:

- a development of 2 two storey semi-detached houses (refused under ref: 07/02879/OUT);
- a three storey block comprising 2 one bedroom and 4 two bedroom flats (refused under ref: 08/03173/FULL1 and subsequently dismissed at appeal under ref APP/G5180/A/08/2093293;
- a three storey block comprising 4 two bedroom flats with four undercroft parking spaces, cycle and refuse storage (refused under ref: 10/01250/FULL1).

Conclusions

As can be seen from the site's planning history, the principle of residential development was broadly accepted by the Inspector who considered a previous scheme, stating that the proposal "would result in the more efficient use of well-located previously-developed urban land, in line with national policy in PPS1 and PPS 3 for that objective". While the legislation highlighted by the Inspector has

been subsequently replaced by the National Planning Policy Framework (NPPF), his comments remain a material consideration in the determination of any future planning applications that may be submitted at the site.

After considering the refusal grounds of previous applications, and in particular the comments of the Planning Inspector who dismissed the appeal for a three storey block of 6 flats (ref. 08/03173), the main issues relating to the application are the extent to which the loss of the identified business premises on site has been justified; the impact the proposal would have on the amenities of the occupants of surrounding residential properties; and the provision of adequate amenity space on site for future occupiers of the proposed units.

In respect of the loss of the commercial premises, one of the key objectives of Policy EMP5 of the adopted UDP is to retain a range of accommodation for different business uses. The most recent tenant at the site - whilst purporting to operate an engineering business - had in fact adapted the premise for use as an illegal cannabis farm before vacating leaving substantial rent arrears. The site has remained vacant since October 2012.

The Council requires applicants to provide evidence that the site has undergone 'full and proper marketing' to demonstrate that criteria (ii) of Policy EMP5 has been met. The application is supported by two marketing reports from established local agents, detailing the marketing of the premises dating back to August 2006. No firm or suitable interest has been expressed during the time since the site was vacated. As can be seen from the schedule of photos, and after undertaking a site inspection, it is clear that the commercial space at the site is sub-standard, and would require significant investment to bring it up to modern expectations. Indeed, the applicant has provided a structural appraisal of the building which concludes that the premises, having also been subjected to significant vandalism, are now beyond economic repair. With the above in mind, and given that the site is not a Strategic Industrial Location, it is not considered that there is sufficient value in the protection of a business use at the site.

When considering the amenity and privacy of surrounding residents, it is noted that the proposed scheme represents a reduction in overall scale compared to previous applications at the site. The existing relationship between the commercial premises and surrounding properties is far from ideal, therefore a view must be taken as to whether the proposal represents an improvement over the current set-up. The applicant has undertaken significant pre-application consultation in the local, with the proposal garnering general support locally.

It is considered that the current proposal overcomes any previous overlooking issues by obscure glazing the majority of windows proposed in the rear and flank elevations and placing them at a high level. Any windows not obscure glazed would serve internal circulation space or landings. To a large extent, this is considered to mitigate the potential for any overlooking issues to arise from the proposed side and rear windows.

The front elevation will contain a series of windows to serve the proposed kitchens and living rooms of the units. With the removal of No.2 Kingswood Road as part of

the scheme Flats 2 and 4 will be facing the street, with a large separation. The windows in the front of Flat 1 (ground floor) and Flat 3 (first floor) and will face the rear elevation of No.4 Kingswood Road, with a separation of around 6.0m. Whilst this relationship is not considered to be ideal, when noting the current outlook from the rear windows of No.4, and the extent to which the proposal would represent an improvement, the resulting impact is seen as acceptable.

Regarding amenity space for the proposed development the Inspector, when considering the previously dismissed scheme highlighted that "the ability to sit outside in conveniently accessed private amenity area is, in my judgement, an important part of a decent living environment and an integral part of a well-designed residential scheme". This is a view shared by the Council and as such Policy H7 of the Unitary Development Plan expects all new housing developments to include adequate private or communal amenity areas to serve the needs of the particular occupants.

Flats 1 and 2 on the ground floor will have access to private outside space of around 22m², with Flats 3 and 4 on the first floor having access to private balconies. These balconies have been recessed back from the front elevation in order to prevent any substantial overlooking or perceived loss of privacy at surrounding properties.

From a Technical Highways perspective, the gated access road and provision of one parking space per unit is acceptable, subject to standard planning conditions.

In summary, the proposal is considered to represent an appropriate re-use of a brownfield site, in line with national guidance. The current proposal is a general reduction in scale and bulk over previously refused schemes, and a significant reduction in the nature of the built form on site. The proposal is considered to improve the character and appearance of the streetscene without resulting in a significant loss of amenity to local residents.

Background papers referred to during production of this report comprise all correspondence on the file ref.13/04218, set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | |
|---|-----------------|--|
| 1 | ACA01
ACA01R | Commencement of development within 3 yrs
A01 Reason 3 years |
| 2 | ACC01
ACC01R | Satisfactory materials (ext'nl surfaces)
Reason C01 |
| 3 | ACD02
ADD02R | Surface water drainage - no det. submitt
Reason D02 |
| 4 | ACH03
ACH03R | Satisfactory parking - full application
Reason H03 |
| 5 | ACH18
ACH18R | Refuse storage - no details submitted
Reason H18 |

- 6 ACH22 Bicycle Parking
 ACH22R Reason H22
- 7 ACH29 Construction Management Plan
 ACH29R Reason H29
- 8 ACH32 Highway Drainage
 ADH32R Reason H32
- 9 No loose materials shall be used for surfacing of the parking and turning area hereby permitted.

Reason: In the interest of the residential amenities of the surrounding area.

- 10 Before the development hereby permitted is first occupied, the proposed windows in the rear and flank elevations (as indicated on the approved plans) shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and shall subsequently be permanently retained as such.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 11 ACI21 Secured By Design
 ACI21R I21 reason
- 12 ACK01 Compliance with submitted plan
 ACK05R K05 reason
- 13 ACK09 Soil survey - contaminated land
 ACK09R K09 reason
- 14 The application site is located within an Air Quality Management Area (AQMA) 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.

Reason: In order to minimise NO_x emissions within a designated Air Quality Management Area in line with paragraph 124 of the NPPF and Policy 7.14 of the London Plan.

INFORMATIVE(S)

- 1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

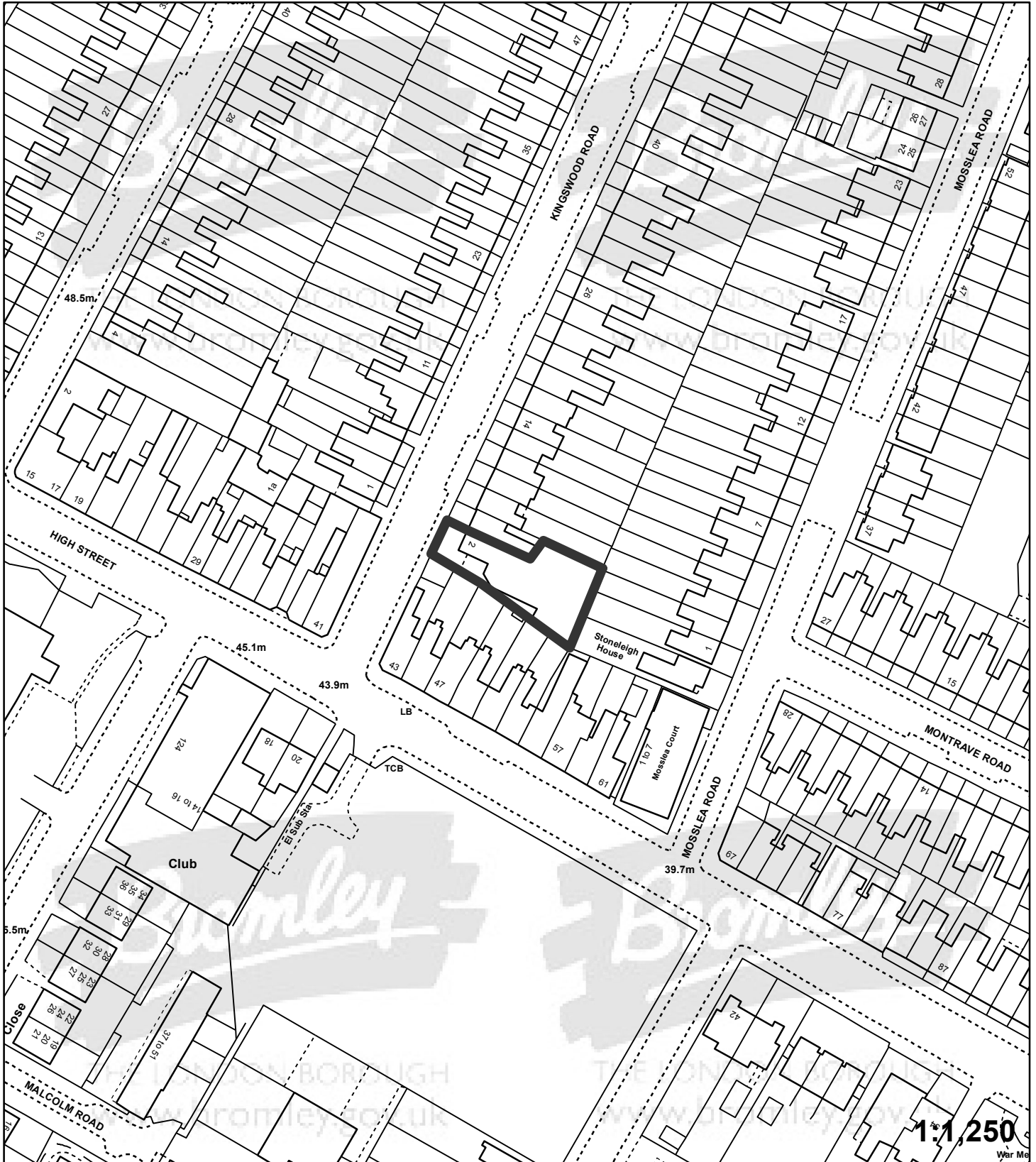
- 2 Before the works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.

- 3 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

Application:13/04218/FULL1

Address: 2A Kingswood Road Penge London SE20 7BN

Proposal: Demolition of existing industrial building and ancillary offices and erection of a two storey building providing four 2 bedroom flats with associated landscaping, parking, cycle and bin storage.



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

© Crown copyright and database rights 2013. Ordnance Survey 100017661.