

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

Application No : 14/04287/FULL1

Ward:
Penge And Cator

Address : Buildings Adjacent 1 To 1A Kingswood
Road Penge London SE20 7BL

OS Grid Ref: E: 535109 N: 170551

Applicant : Mr N Bajaj

Objections : NO

Description of Development:

Demolition of existing buildings and construction of 3 two bedroom houses with associated landscaping and amenity areas.

Key designations:

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

Background

Members will recall that a report was presented to Planning Sub Committee 2 on 5th February 2015. The Committee resolved to defer the application without prejudice to seek a reduction in the number of units and the inclusion of adequate parking.

The applicants have carefully considered the reasons for deferral and have asked that the matter is referred back to Committee Members without amendments for further consideration.

In response the applicants have provided an additional report addressing the issues raised in respect of overdevelopment and parking.

Regarding overdevelopment the report details that the original application ref. 14/01249 was refused due to an overdevelopment of the site and lack of adequate amenity space. The proposal was then amended with a reduction in the number of bedrooms from one three-bedroom house and two two-bedroom houses to three two-bedroom houses. The applicant states that the site has a public transport accessibility level of 4 and the density of the proposal is 91 units per hectare, which complies with the London Plan guidance. It is also pointed out that that the footprint

of the proposed development is marginally smaller than the existing building footprint.

In terms of parking the applicant details that parking demand for three two-bedroom houses is three cars. To meet this demand it was proposed that the existing crossover at the site entrance to be restored to reduce the parking demand by one parking space. A parking assessment report demonstrated that the parking stress of unrestricted kerb space would increase by 1.2% from 82.4% to 83.6%. The applicant advises that the site is approximately 400 feet away from Penge West and Penge East train stations (3-4 minute walk) and is considered an extremely sustainable location.

It is also pointed out the parking report did not account for the site's previous use and that the building was formally a tile depot, which included office space for staff and frequent visits by a number of people in commercial vehicles and staff members (approx. 5) who all parked on the street, as no parking facilities are available. The applicant states that the impact of its previous use is relevant.

On the basis that the previous recommendation was for permission, the scheme is now similarly recommended for permission.

The previous report is repeated below for clarity.

Proposal

Planning permission is sought for the demolition of the existing buildings and construction of 3 two bedroom houses with associated landscaping and amenity areas.

The replacement buildings will be located around the perimeter of the site to the east and south in a similar manner to the existing buildings on site. Separate amenity space will be provided internally within the site. Access to the buildings will be via the existing thoroughfare underneath the first floor of No1 Kingswood.

Location

The site is located on the west side of Kingswood Road and to the rear of No1. It is reached via an accessway which goes underneath part of the first floor to No1 Kingswood Road. Residential dwellings lay to the north of the site and what appears to be a mix of commercial and residential to the south and east. The area to the west appears open and commercial in nature. This is a commercial site which is currently unused and has a derelict appearance. The last known user was as a tile supplier. A recent development of three Mews style houses is located at Montague Mews in part adjoining the site and at the rear of No's 3 and 5 Kingswood Road.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and no representations were received.

Comments from Consultees

Highways Officer: The site is on the north-west site of Kingswood Road. The development is located in PTAL area of 4. No car parking spaces are provided. This is very regrettable. The applicant has demonstrated by parking surveys that parking on the roads in proximity to the application site would not adversely affect capacity. The parking stress of unrestricted kerb space would increase by 1.2% from 82.4% to 83.6% for the study area. If minded to approve include standard conditions.

Environmental Health Officer - Pollution: I have considered the above and I have no objections in principle subject to conditions.

Housing Officer: The applicant is advised to have regard to the Housing Act 1985's statutory space standards contained within Part X of the Act and the Housing Act 2004's housing standards contained within the Housing Health and Safety Rating System under Part 1 of the Act.

Drainage: The proposed use of rainwater harvesting to store water for later use is acceptable. It is however, not sufficient to attenuate surface water run-off for extreme events. The applicant is required to carry out surface water design to maximise the use of SUDS.

This site is within the area in which the environment agency - Thames Region require restrictions on the rate of discharge of surface water from new developments into the River Ravensbourne or its tributaries.

Thames Water: No objections.

Planning Considerations

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

BE1 Design of New Development
H1 Housing Supply
H7 Housing Density and Design
H9 Side Space
ER7 Contaminated Land
ER10 Light pollution
T3 Parking
T7 Cyclists
T18 Road Safety
EMP5 Development Outside Business Areas

SPG No.1 - General Design Principles
SPG No.2 - Residential Design Guidance

London Plan (July 2011):

- 3.3 Increasing Housing Supply.
- 3.4 Optimising Housing Potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

Housing: Supplementary Planning Guidance. (November 2012)

Planning History

14/01249/FULL1: Demolition of existing buildings and erection of two x 2 bedroom and one x 3 bedroom dwellings with associated parking and amenity areas. Refused 25/7/2014.

The reasons for refusal referred to an unacceptable degree of overlooking and loss of privacy and amenity to nearby occupiers and that the proposal would be an overdevelopment of the site, lacking in adequate amenity space.

It is also noted that there have been planning consents for similar residential development in nearby sites for example Montague Mews to the north of the site and opposite at 2a Kingswood Road.

Conclusions

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

- Principle of Development
- Design
- Standard of Residential Accommodation
- Highways and Traffic Issues
- Impact on Adjoining Properties
- Sustainability and Energy
- Ecology and Landscaping

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

Principle of Development

Policy EMP5 of the UDP states that the redevelopment of business sites or premises outside of the Designated Business Areas will be permitted provided that the size, configuration, access arrangements or other characteristics make it unsuitable for uses Classes B1, B2 or B8 use and full and proper marketing of the site confirms the unsuitability and financial non-viability of the site or premises for those uses.

An officer site visit revealed that the premises appear to have been unused and stood empty for some time. No supporting documentation has been received with the application which fully sets out the background and more recent history to the 'redundant' use of the site. No marketing evidence has been received.

However, given the unused, long term derelict nature of the premises and recent changes of use to similar nearby sites and that there appear no strong economic reasons why the existing employment use of the site should be retained and the proximity and relationship to nearby residential properties, it is considered that alternative uses for the site should be sought.

Housing is a priority use for all London Boroughs and the Development Plan welcomes the provision of small scale infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

The document also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.

Policy 3.4 Optimising housing potential of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.

Policy H7 of the UDP sets out criteria to assess whether new housing developments are appropriate subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, community safety and refuse arrangements.

Residential dwellings lay to the north of the site and what appears to be a mix of commercial and residential to the south and east. In this location the Council will consider residential infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed. Therefore the provision of the new dwelling units on the land is acceptable in principle subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy, community safety and refuse arrangements.

Density

The density of the proposal would be 91 units per hectare (u/ha). Table 3.2 of the London Plan sets out the appropriate density range for a site with a PTAL of 4 in a suburban area as 50-95 u/ha.

Overdevelopment identified in the previous scheme has been addressed by providing 3 two bedroom units as opposed to 2 two bedroom units and 1 three bedroom unit. Given, the density of the proposal is within the guided density criteria the amount of development on site is now considered suitable at this location and overcomes the previous reason for refusal.

Design, Siting and Layout

Policy 3.4 of the London Plan 2011 specifies that Boroughs should take into account local context and character, the design principles (in Chapter 7 of the Plan) and public transport capacity; development should also optimise housing output for different types of location within the relevant density range.

Policy BE1 states that development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape

features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

The design of the dwellings has been created in a courtyard style with replacement buildings that are commensurate in mass and scale to those existing. Similarly, the footprint of the buildings is largely the same. As such it is considered that the proposal represents a high quality design that will make a positive contribution to the locality provided that it is suitably detailed. To ensure this, conditions are recommended to secure the materials shown on the submitted architectural sketch impressions and requiring details and samples of facing materials to be submitted and approved by the Local Planning Authority.

Residential Amenity

Standard of Residential Accommodation

Policy 3.5 of the London Plan (2011) Quality and Design of Housing Developments states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.

Policy BE1 in the Adopted UDP states that the development should respect the amenity of occupiers of future occupants.

The floor space size of each house unit is 84m², 68.8m² and 88m² respectively. Table 3.3 of the London Plan requires a Gross Internal Area of 61m² for a two storey 2 bedroom dwelling house. On this basis the floorspace provision is considered to be acceptable.

The shape, room size and layout of the rooms in the proposed building is considered satisfactory. None of the rooms would have a particularly convoluted layout which would limit their use. All habitable rooms would have satisfactory levels of light and outlook.

In terms of amenity space and to address a lack of provision in the previous scheme small front contained gardens are now provided. The depth and size of the gardens areas are of sufficient proportion to provide a usable space for the purposes of a small family dwellinghouse.

Car Parking and Access

The car parking element of the scheme has been removed from the current scheme which conflicted with the provision of amenity space in terms space use in the previous scheme. In view of this a Transport Assessment has been provided that indicates some limited availability in the locality for parking. In addition with the provision of an extra on-street space by the blocking up of vehicular access to the site, adequate provision is considered available at this location.

The Council's Highways Officer has not raised objection in this regard. Therefore, due to the relatively minor impact of the additional units on parking issues in the vicinity it is considered the proposal would generally be in accordance with UDP Policy T3 and Policy 6.13 of the London Plan (2011).

Cycle parking

Cycle parking is generally required to be 1:1 for residential development. The applicant has provided details of a location for lockable cycle storage for each unit. Further details can be conditioned if approval were to be forthcoming.

Refuse

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of refuse storage for the units in the front curtilage of each property. The location point is considered acceptable. Further details can be conditioned regarding a containment structure.

Impact on Adjoining Properties

In terms of outlook, the fenestration arrangement will provide front outlook only to within the contained courtyard area only. Two first floor balconies will look to the north of the site over rear garden areas at 11m distance to the boundary with No3 Kingswood Road at 90 degrees to rear elevations. A third overlooking balcony has been removed from the scheme to address the previous reasons for refusal. First floor windows to the rear elevation of dwelling No3 overlooking vacant land and in part two windows to its front elevation overlooking the courtyard are indicated as obscure glazed. The windows to the rear are also to non-habitable rooms in the dwelling. Given these alterations to the scheme, it is not considered that the dwellings will result in loss of privacy or any overlooking of adjacent property which overcomes the previous reasons for refusal.

Sustainability and Energy

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

The applicant has not submitted a Sustainable Homes pre-assessment document in respect of the above policies. A planning condition is recommended with any approval to ensure that the development strives to achieve these objectives.

Lifetime Homes

The applicant has confirmed that the development will be Lifetime Homes compliant.

Landscaping and Ecology

The site is at present occupied by commercial units. The surface is likely as having a moderate risk for potential of ground contamination. An indicative landscaping layout has been submitted as shown on the proposed site plan drawing that details the areas given over to garden for external amenity for future occupiers. Individual gardens are provided for each dwelling and these would provide opportunities for landscaping and greening of the site. These would be enclosed by a boundary structure individually and surrounding the site. Notwithstanding, the details shown on this plan, should permission be forthcoming, details of land contamination measures, full details of hard and soft landscaping and boundary treatment could be sought by condition.

Community Infrastructure Levy

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

Summary

It is considered that the proposal would bring forward additional much needed dwellings by intensifying the use of a currently underutilised brownfield site. The development would have a high quality design and would not have an unacceptable impact on the amenity of neighbouring occupiers, subject to suitable conditions. It is considered that the density and tenure of the proposed housing is acceptable and that the standard of the accommodation that will be created will be good. The proposal would not have an adverse impact on the local road network or local parking conditions. The proposal would be constructed in a sustainable manner and would achieve good levels of energy efficiency. It is therefore recommended that planning permission is granted subject to the imposition of suitable conditions.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 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 | ACK01
ACK05R | Compliance with submitted plan
K05 reason |
| 3 | ACA04
ACA04R | Landscaping Scheme - full app no details
Reason A04 |
| 4 | ACA07 | Boundary enclosure - no detail submitted |

- 5 ACA07R Reason A07
 ACC08 Satisfactory materials (all surfaces)
 ACC08R Reason C08
- 6 ACK09 Soil survey - contaminated land
 ACK09R K09 reason
- 7 (a) The buildings hereby approved shall achieve a minimum Code for Sustainable Homes Rating Level 4.
 (b) No development shall commence until a Design Stage Certificate for each residential unit (prepared by a Code for Sustainable Homes qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
 (c) Within 3 months of occupation of any of the residential units, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Code for Sustainable Homes qualified Assessor) to demonstrate full compliance with part (a) for that specific unit.

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2011).

- 8 ACD02 Surface water drainage - no det. submitt

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan (2011).

- 9 ACH16 Hardstanding for wash-down facilities
 ACH16R Reason H16
- 10 ACH18 Refuse storage - no details submitted
 ACH18R Reason H18
- 11 ACH22 Bicycle Parking
 ACH22R Reason H22
- 12 ACH24 Stopping up of access
 ACH24R Reason H24
- 13 ACH29 Construction Management Plan
 ACH29R Reason H29

- 14 Before the development hereby permitted is first occupied, the proposed window(s) to the first floor rear elevation of Dwelling 3 and part front elevation as indicated on Drawing 13/021_P4B 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.

- 15 ACI12R I12 reason (1 insert) BE1 and H7
 The application site is located within an Air Quality Management Area declared for NOx: In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NOx emission rate of <40mg/kWh.

Reason: To minimise the effect of the development on local air quality within an Air Quality Management Area and to accord with Paragraph 124 of the NPPF and Policy 7.14 of the London Plan.

- 16 (a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.

(b) Any such external lighting as approved under part (i) shall be installed in accordance with BS 5489-1:2003 and the approved drawings and such directional hoods shall be retained permanently.

(c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

Reason: In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with Policy ER10 in the Unitary Development Plan.

17 Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes, shall be fixed on the external elevations of the buildings.

Reason: It is considered that such plumbing or pipes would seriously detract from the appearance of the buildings and to comply with Policy BE1 and H7 in the Unitary Development Plan.

18 AC102 Rest of "pd" Rights - Class A, B,C and E

Reason: In order that and in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing the impact of any further development and to comply with Policies BE1 and H7 in the Unitary Development Plan.

INFORMATIVE(S)

1 The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.

2 Before 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 Surface Water Drainage - 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 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 4 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.
- 5 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. Fees and application forms are available on the Council's website at www.bromley.gov.uk
- 6 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)).

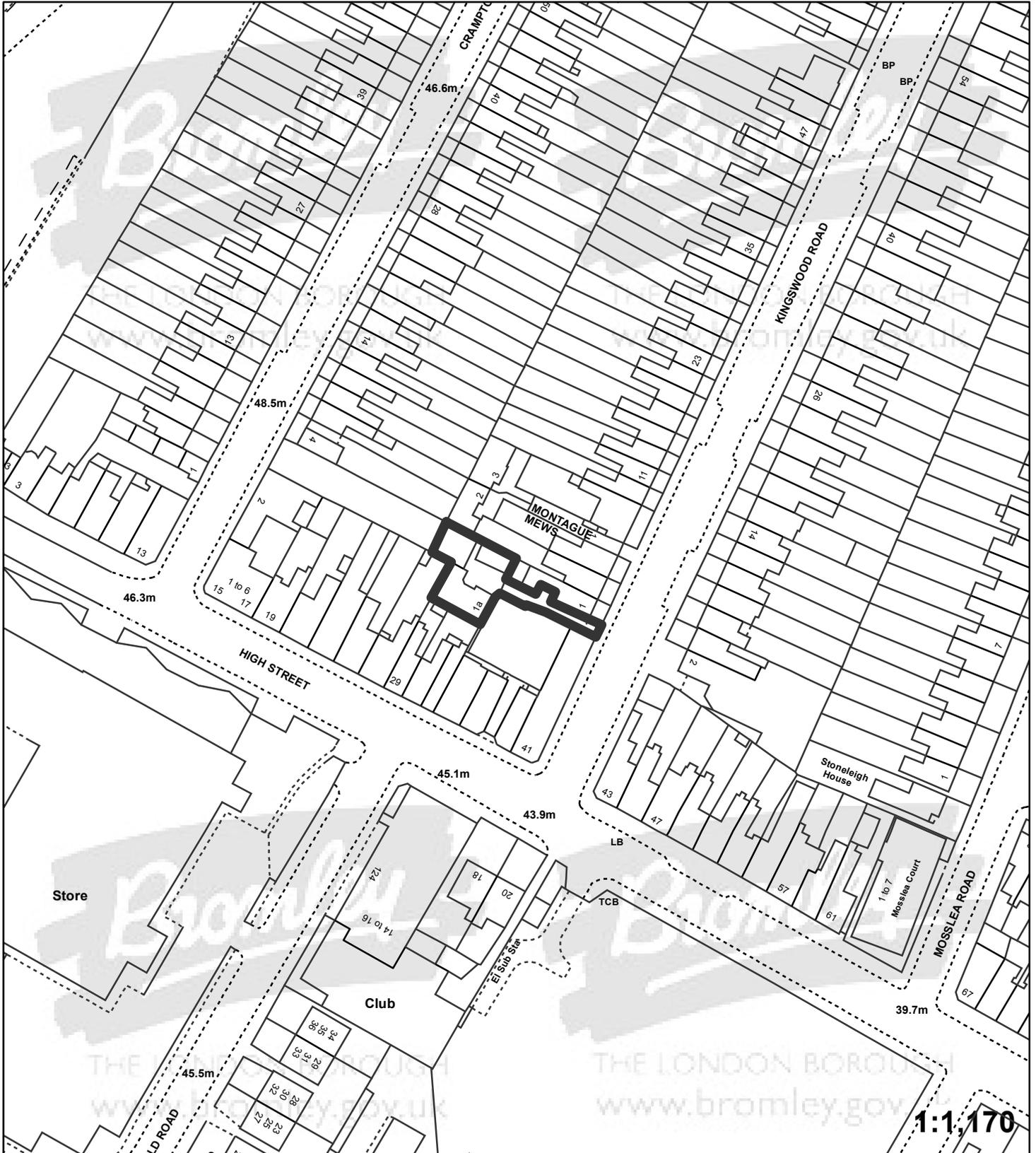
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

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

Application:14/04287/FULL1

Address: Buildings Adjacent 1 To 1A Kingswood Road Penge London SE20 7BL

Proposal: Demolition of existing buildings and construction of 3 two bedroom houses with associated landscaping and amenity areas.



"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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