
Appeal Decision

Site visit made on 15 March 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 March 2017

Appeal Ref: APP/G5180/W/16/3164629

38 Croydon Road, Beckenham, Kent BR3 4BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Lansdown Asset Management Limited against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/02075/RESPA, dated 28 April 2016, was refused by notice dated 21 June 2016.
 - The development proposed is change of use from Class B1(a) office to Class C3 dwellinghouses to form 16 flats.
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (GPDO) for the application for confirmation that prior approval is not required for change of use from Class B1(a) office to Class C3 dwellinghouses to form 16 flats at 38 Croydon Road, Beckenham, Kent BR3 4BJ in accordance with the details submitted pursuant to Schedule 2, Part 3 Class O of the GPDO subject to the conditions below.

Procedural Matters

2. The Council's grounds for refusing the application were that the appellant had provided insufficient information to establish when the appeal premises were last used as offices and the nature of any flooding and contamination risks on the site.
3. The appellant has submitted information to support their appeal with the intention of addressing the concerns raised by the Council. Following this, the Council has confirmed that it will no longer be contesting the appeal subject to the imposition of appropriate conditions.
4. I have considered the supporting information submitted by the appellant, and accordingly have no reason to take a contrary view to the Council in terms of the validity of the refusal reasons given. There is therefore no need for me to address these matters in my decision.

Main Issue

5. The main issue is therefore the transport and highway impacts of the development, which is a matter of concern raised by a local resident.
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Reasons

6. The application was supported by a technical note which had regard to traffic generation and parking provision. This note concluded, based on an assessment of trip generating potential, that the proposed residential use would result in a significant reduction in the number of vehicle movements to and from the site when compared with the previous office use of the premises. Because the resurrection of the office use on the site would be a potential fallback position, the net effect of the proposed development on traffic movements is an important consideration.
7. The aforementioned technical note also concluded that the level of parking provision on the site would be greater than the normal guideline requirements for flats but that the higher level proposed in this case would be appropriate on grounds of highway safety.
8. Whilst a third party has raised concerns with regard to traffic levels, access arrangements and parking demand associated with the development, the findings set out in the aforementioned technical note have not been challenged and the appellant has confirmed that the access would remain as existing. Furthermore, I am aware that the Council's Highways officer has not objected to the scheme in this regard. I therefore conclude, taking into account the previous use of the site including potential traffic flows, access and parking arrangements, that a compelling case has not been made that the development would result in harmful transport and highway impacts.

Conditions

9. I have considered the conditions suggested by the Council and the provision in paragraph W of the GPDO which states that prior approval may be granted subject to conditions reasonably related to the subject matter of the prior approval.
10. Conditions requiring the completion and retention of parking and turning space and the lighting of these areas are required in the interests of highway and pedestrian safety. Conditions requiring a construction management plan in the interests of highway safety and to protect the living conditions of residents and the provision of electric vehicle charging points and cycle parking to promote sustainable travel are necessary. Details of bin storage are required in the interests of the proper planning of the area. A condition to assess the risk of and remediate any contamination present on the site is necessary in the interests of environmental protection. A condition requiring the scheme to be built in accordance with the approved flood risk assessment is required to reduce the risk of flooding to the proposed development.
11. I shall also impose conditions setting a timescale for completion of the development and requiring it to be carried out in accordance with the approved plans to ensure that the development complies with the requirements of Schedule 2, Part 3, Class O, paragraph O.2(2) and paragraph W of the GPDO.
12. A condition requiring details of turning areas in the site is not required as this is adequately depicted on the plan. I have made some minor alterations to the wording of some of the suggested conditions for clarification and to ensure they meet the tests for conditions as specified in national planning guidance.

Conclusion

13. For the above reasons and having had regard to all other matters raised I conclude that the appeal should be allowed.

Roy Merrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Prior to the first occupation of the development the vehicle parking and turning space shall be completed in accordance with the approved details and shall thereafter be retained for such use.
- 2) No development shall commence until details of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be completed prior to the first occupation of the development and shall thereafter be retained.
- 3) No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for the routes of construction vehicles; loading and unloading of plant and materials including delivery hours; storage of plant and material used in constructing the development; construction working hours and wheel washing facilities. The approved Construction Management Plan shall be adhered to throughout the construction period for the development.
- 4) Prior to the first occupation of the development details of a scheme to light the access drive and car parking areas shall be submitted to and approved in writing by the Local Planning Authority; the approved scheme shall be implemented before the development is first occupied and shall thereafter be retained.
- 5) The development shall be carried out in accordance with the approved Flood Risk Assessment by Herrington Consulting Limited dated November 2016 prior to first occupation of the building, and shall be permanently retained as such thereafter.
- 6) The development shall not be occupied until cycle storage space has been provided in accordance with details to be previously agreed in writing by the Local Planning Authority. The agreed cycle storage space shall be retained thereafter.
- 7) The development shall not be occupied until storage space for refuse and recycling materials has been provided in accordance with details to be previously agreed in writing by the Local Planning Authority. The agreed storage space shall be retained thereafter.

- 8) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any risk of contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority prior to development being commenced. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to and approved in writing by the local planning authority following their completion.
- 9) The development hereby permitted shall be completed within a period of three years from the date of this prior approval.
- 10) The development to which the approval relates shall be carried out in accordance with the following approved plans and specifications:- 101B Rev: Pr7.