

SECTION '2' – Applications meriting special consideration

Application No : 14/01366/OUT

Ward:
Crystal Palace

Address : The Cottage Fountain Court Lawrie Park
Road Sydenham London SE26 6EE

OS Grid Ref: E: 535017 N: 170771

Applicant : Mr J Amato

Objections : YES

Description of Development:

Demolition of the existing dwelling and 7 garages and erection of 3 three bedroom and 1 four bedroom dwellings with parking
OUTLINE APPLICATION

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding
London City Airport Safeguarding Birds
Local Distributor Roads

Proposal

This application seeks outline permission for the demolition of the existing two storey residential property known as The Cottage, including some existing garages on the site, and the erection of two 3 bedroom semi-detached dwellings, one 3 bedroom detached dwelling and one 4 bedroom detached dwelling.

The matters for which approval is being sought are access, layout, appearance and scale (with landscaping reserved for subsequent approval).

Each dwelling would have a private rear garden of between 95sqm and 150sqm, with parking provided by 8 spaces centrally located within the development. Access to the site is via an existing access road from Lawrie Park Road which runs down alongside Fountain Court to the north and No.79 Litchfield House to the south.

The proposal equates to a density of 25 dwellings per hectare, or 131 habitable rooms per hectare.

Location

The application site is 0.16ha in size and comprises an area of land to the rear of Fountain Court. The site is occupied by a two storey dwelling known as The Cottage which has been vacant for some time. There are also blocks of garages sited around The Cottage, some of which are still in use by local residents. To the rear lies a railway embankment. The area is generally characterised by three/four storey flatted development with rear amenity space and garages/parking. The site is accessed via the Lawrie Park Road entrance

Comments from Local Residents

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

- nothing has changed since the last application and the access road has not been widened
- traffic congestion to Lawrie Park Road seems to be getting worse
- the applicant appears to be planning to extend the width of the access road into Lichfield House without consent
- there is little pedestrian protection from the old bin storage area
- more bins and too much parking to Lawrie Park Road
- the applicant states that there is no alteration to the access however he only owns a small strip and so this cannot be correct
- the hedgerow is owned by Lichfield House who have not consented
- the width of the lane may not be large enough for a fire engine
- large vehicles cannot turn on the site and take a long time to reverse back up the track
- traffic noise and frequency
- design not in keeping
- visual impact
- possible harm to the existing trees
- evidence of stag beetles and barn owls
- issues with the amount of hardstanding to be created already over-developed
- danger to residents using the footpath
- access issues during construction
- loss of privacy

Comments from Consultees

Highways have commented, following the submission of a revised swept path analysis using the dimensions of Bromley refuse vehicles, that a refuse vehicle would have difficulty entering the site between the piers and when wing mirrors are allowed for no refuse vehicle can enter and exit in a safe and convenient manner.

The Fire Service have been consulted and Members will be updated verbally of any response received.

From a Secure by Design perspective no objections area raised subject to condition.

Thames Water raise no objection

Network Rail have no objections

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
T3 Parking
T13 Unmade Roads/Unadopted Highways
T18 Road Safety
NE7 Development and Trees

SPG1 General Design Principles
SPG2 Residential Design Guidance

The London Plan

3.3 Increasing housing supply
3.5 Quality and design of housing development

National Planning Policy Framework (NPPF).

LB Bromley Waste Services Department - 'Notes for Developers' which set out the Council's requirements for refuse collection.

Planning History

Most recently application ref. 12/02533 refused outline permission for the demolition of the existing dwelling and the erection of one detached three bedroom dwelling and two semi-detached dwelling with parking on the following grounds:

1. "The proposal would result in an unsatisfactory overdevelopment of the site by reason of the number and scale of dwellings and the area of built development and hard surfaces which would be out of character with neighbouring development and the area in general thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.
2. In the absence of a swept path analysis to demonstrate otherwise the site cannot adequately accommodate service and emergency vehicles along this narrow access road and together with inadequate on - site turning facilities to ensure that vehicles can enter and leave the site in a forward gear would be prejudicial to the free flow of traffic and general conditions of highway safety contrary to Policies T13 and T18 of the Unitary Development Plan.

3. The development would result in an increased use of a sub-standard access road which by reason of its proximity to the adjoining properties of Fountain Court and the general noise and disturbance associated with its use would be harmful to the amenities that those residents may be able to continue to enjoy thereby contrary to Policies BE1 and H7 of the UDP."

This application was subsequently dismissed at appeal and the findings of the Inspector, who dismissed the appeal on the matter of standard of the access road, form a material consideration of significant weight in the determination of this application.

Application ref. 11/00926 refused outline permission for the demolition of the existing dwelling and erection of a block of 5 three storey houses with associated parking on the following grounds:

1. "The proposal would result in an unsatisfactory overdevelopment of the site by reason of the number and scale of dwellings and the area of built development and hard surfaces which would be out of character with neighbouring development and the area in general thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.
2. In the absence of a swept path analysis to demonstrate otherwise the site cannot adequately accommodate service and emergency vehicles along this narrow access road and together with inadequate on - site turning facilities to ensure that vehicles can enter and leave the site in a forward gear would be prejudicial to the free flow of traffic and general conditions of highway safety contrary to Policies T13 and T18 of the Unitary Development Plan.
3. The development would result in an increased use of a sub-standard access road which by reason of its proximity to the adjoining properties of Fountain Court and the general noise and disturbance associated with its use would be harmful to the amenities that those residents may be able to continue to enjoy thereby contrary to Policies BE1 and H7 of the Unitary Development Plan."

This decision was subsequently upheld on appeal

Permission was allowed at Appeal at the neighbouring site of Lawrence Court, 79 Lawrie Park Road for a fourth storey extension comprising 2 two bedroom flats/two storey block at rear comprising 2 two bedroom flats/relocation of refuse store and 17 car parking spaces at front and rear under ref. 06/03111, with this permission being extended under ref. 10/1411. This scheme was subsequently amended to provide a pair of semi-detached houses instead of the flats at the rear under planning ref. 11/00366.

Conclusions

The main issues relating to the application are the effect that the proposal would have on the character of the area, the impact that it would have on the amenities of the occupants of surrounding residential properties and highway safety.

In dismissing the recent 2013 appeal, the Inspector established that the proposed development of one detached and two semi-detached dwellings would not harm the character or appearance of the area or the spatial or visual context. Due to the presence of a dwelling and a number of garages the Inspector also found that there would be no harm from noise and disturbance upon the amenities of the residents at Fountain Court. It is considered that the current proposal does not differ sufficiently to outweigh that determination and as such the acceptability of the impact, design and affects upon amenity have been accepted in principle.

However, the Inspector dismissed the appeal on issues relating to the access, in particular its ability to accommodate service and emergency vehicles entry to the new dwellings. The access is not reserved for future approval, as was the case in the previously refused 20123 application. The Inspector highlight the issue of ownership that has been represented by residents in objections to this application and members will be aware that such matters a legal issue. However, the Inspector did comment on this in the context the outcome of such a dispute would be of significance to a planning outcome as it would affect the track's ability to accommodate service and emergency vehicles.

There are a number of pinch points to the access road and the access is not considered to be sufficiently wide to accommodate essential vehicles. A revised swept path analysis has been provided and the Council's highways officer does not consider the access road capable of safely and conveniently accommodating service and emergency.

It is therefore considered that the proposed development would be unacceptable in that the proposed access cannot safely accommodate essential service and emergency vehicles in and out of the site, contrary to Policies T13 and T18.

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.

as amended by documents received on 05.06.2014

RECOMMENDATION: PERMISSION BE REFUSED

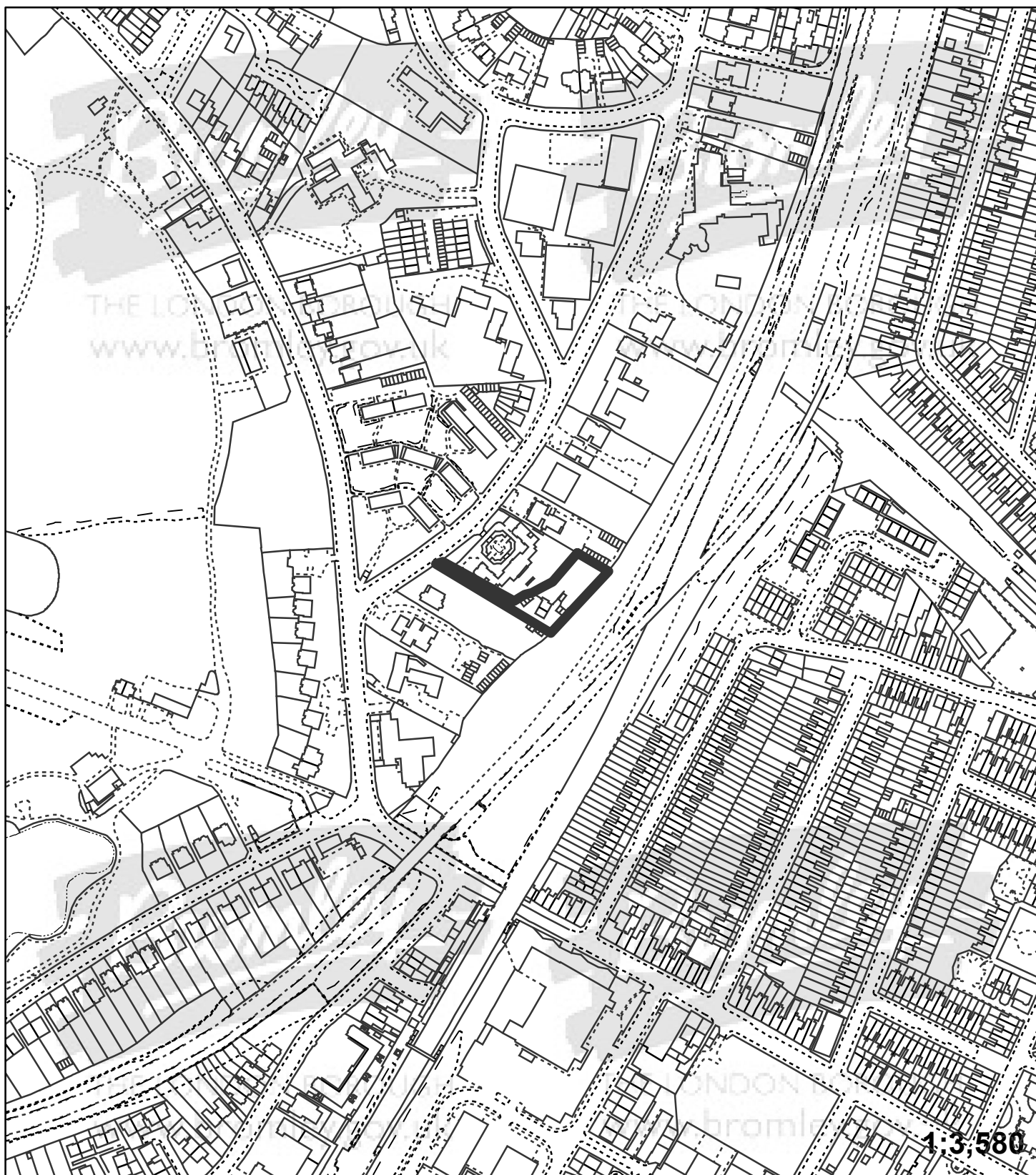
The reasons for refusal are:

- 1 The proposed access does not provide appropriate means of access to service an emergency vehicles in order to safely and conveniently service the proposed dwellings contrary to Policies T13 and T18 of the Unitary Development Plan.

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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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