

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

Application No : 16/03906/FULL1

Ward:
Crystal Palace

Address : Kelso Court 94 Anerley Park Penge
London SE20 8NZ

OS Grid Ref: E: 534824 N: 170363

Applicant : Mr Stephen Moss

Objections : YES

Description of Development:

Elevational alterations and construction of a roof extension/fourth floor extension to provide an additional 4 one bedroom flats; bicycle store, refuse store and 4 additional car parking spaces with hard and soft landscaping

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 6

Proposal

It is proposed to construct an additional floor of flatted accommodation above the existing flat roofed block.

The proposed third floor/fourth storey would provide 4 one bedroom flats, with the flats broadly following the layout of the existing ground, first and second floor units albeit with the internal layout showing the provision of kitchen/living/dining space rather than separate kitchen and living rooms as existing on the floors below. In addition a single storey front porch extension is proposed.

The existing building is approx. 8.2m high and the resultant height of the building with the additional proposed storey would be approx. 11.5m. The proposal incorporates full height fenestration to the proposed windows including juliet style balconies.

The proposed roof extension would be zinc clad. The existing white plastic cladding at first and second floor level would be removed and replaced by facing brick. The extension would have a flat roof. The proposed porch would be constructed of materials to match the roof extension and would incorporate LED downlighting.

The parking layout would be reconfigured and the refuse and recycling storage area relocated to the front of the site.

Location

The application site lies on the south eastern side of Anerley Park and hosts a three storey flat roofed block of flats. At present the property comprises a total of 12 one bedroom flats, with 4 flats arranged on each floor.

The site is bounded to the north east by the single storey garages associated with Linden Court, which is a pre-existing two/three storey block of flats with significant accommodation in a mansard style tiled roof and balconies at first and second floor level facing towards the application site. Linden Court is set on slightly lower ground level than Kelso Court.

A rear vehicular access runs between the flank wall of the host building and the boundary with Linden Court. At the rear of the block is a small area of grassed amenity space between the rear elevation of Kelso Court and the rear off-street car parking area. The parking area lies adjacent to the boundary of the site with the neighbouring railway land/railway line.

To the south west of the site is Anerley Court, a large four storey block of flats with a pitched roof above.

The site does not lie within a Conservation Area.

The applicant has provided an Emergence Bat Survey, European Protected Species Mitigation License and Arboricultural Development Report.

Consultations

Local residents

Two letters objecting to the proposals were received, raising the following concerns:

- The design and size of the proposed windows would be out of keeping with the main building
- The proposal would raise the new window areas on the side of the development adjacent to Anerley Court above and between the existing line of trees, resulting in loss of privacy and outlook
- No daylight/sunlight impact assessment has been provided and the proposal would result in a loss of sunlight to windows at Anerley Court

Technical Comments

Highways

The site lies within an area with a medium PTAL rate of 3. The site is accessed via an existing access from Anerley Park which leads to the car parking area.

Two additional car parking spaces are shown on the submitted plan (resulting in 16 spaces in total). The size of the flats is likely to be attractive to non-car owners and by not providing car parking facilities the development promotes greener, cleaner

travel choices thus reducing reliance on the car. The proposal is therefore acceptable in principle and conditions are suggested should planning permission be granted.

Natural England

No comments to make on the application.

Thames Water

With regards to water and sewerage infrastructure capacities there are no objections to the proposal. An informative is recommended should planning permission be granted.

Drainage

No comments to make.

Environmental Health (Housing)

Comments draw attention to the Minimum Space Standards for New Development (Table 3.3 of the London Plan) which states that the minimum recommended GIA for a 1 bedroom two person flat is 50 square metres. Comments regarding ventilation and the combination of kitchen/living/dining areas are available on file.

Network Rail

No objections or observations to make.

Trees

There are no significant trees within the application site and it is considered that the protection measures referred to within the arboricultural submissions will reduce the impact on trees situated on neighbouring land.

Planning Considerations

In determining planning applications, the starting point is the development plan and any other material considerations that are relevant. The adopted development plan in this case includes the Bromley Unitary Development Plan (UDP) (2006 Supplementary Planning Guidance 1 & 2, the London Plan and The National Planning Policy Framework (NPPF). Relevant policies in the UDP are as follows:

| | |
|------------|----------------------------|
| Policy H1 | Housing Supply |
| Policy H7 | Housing Density and Design |
| Policy T3 | Parking |
| Policy T7 | Access |
| Policy BE1 | Design of New Development |
| Policy NE5 | Protected Species |
| Policy NE7 | Development and Trees |

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closes on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). It is anticipated that an updated Local Development Scheme will be submitted to Development Control Committee on November 24th 2016 and Executive Committee on November 30th 2016, indicating the submission of the draft Local Plan to the Secretary of State in the early part of 2017.

The Council's adopted Supplementary Planning Guidance (SPG) documents are also a consideration in the determination of planning applications. These are:

SPG No.1 - General Design Principles

SPG No.2 - Residential Design Guidance

London Plan Policies

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 5.3 Sustainable Design and Construction
- 5.13 Sustainable Drainage
- 7.3 Designing out Crime
- 7.4 Local Character
- 7.6 Architecture
- 7.15 Reducing noise and enhancing soundscapes

The National Planning Policy Framework is a key consideration in the determination of applications for planning permission.

Conclusions

Principle of residential development

The proposal relates to an existing residential development which is located within a predominantly residential area and would provide an additional 4 units of residential accommodation. Policy H1 Housing aims to provide 11,450 additional dwellings over the plan period and this provision will be facilitated by the development or redevelopment of windfall sites.

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.

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in

the London Plan (2015) generally encourage the provision of redevelopment in previously developed residential areas 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.

Policy H7 of the UDP advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.

A recent appeal decision has indicated that the Council does not have an adequate five year Housing Land Supply. The absence of a five year housing land supply has the broad implication that under the NPPF paragraph 49 the Council should regard relevant development plan policies affecting the supply of housing as 'out of date'. This does not mean that 'out of date' policies should be given no weight or any specific amount of weight.

In view of the existing residential development at the site and on adjacent sites it is considered that the principle of further residential development is acceptable. The provision of 4 additional residential units is a material consideration which is afforded substantial weight in the assessment of the proposal.

Design and siting

The host block lies between three storey development at Linden Court and four storey development at Anerley Court. The street scene is characterised by flatted blocks of a variety of designs and heights, but of particular note is the spaciousness afforded by the generous separation between development along the street. The site is well screened from Anerley Park by mature trees and hedging. The proposal would not result in an enlarged footprint of built development and it is considered that the materials and design of the proposed additional storey of accommodation would complement the appearance of the host property and would not appear out of character or visually jarring in the street scene.

Impact on neighbouring residential amenity

With regards to the residential amenities of the occupiers of neighbouring properties, as well as of the host existing block of flats, the main impacts would relate to the additional bulk of the block and potential loss of privacy/overlooking to residential flats on either side of the application site. Unitary Development Plan policies BE1 and H7 seek to protect neighbouring residential properties against the loss of amenity resulting from reduced daylight, sunlight and/or overshadowing.

In the light of the reasonably generous separation between Kelso Court and the neighbouring residential flatted blocks, it is considered that the additional bulk resulting from the extension would not have a significant impact on the outlook from the neighbouring flats. Although the additional storey would be appreciable

from neighbouring buildings, the separation to the boundary and the layout of the buildings in relation to each other would satisfactorily limit the impact of the proposal on outlook.

Anerley Court lies to the south west of the application site and is L-shaped. Kelso Court is positioned with its rear elevation broadly aligning with the front elevation of the rearmost wing at Anerley Court. Anerley Court is positioned on higher ground than the application site. The south western flank elevation of Kelso Court is sited approx. 5m from the boundary at the nearest point between the two blocks. In view of the separation between the buildings and the orientation of the blocks relative to each other it is considered that the impact of the proposal upon the residential amenities of the occupants of Anerley Court would not be significantly adverse.

While the concerns raised regarding the impact of the proposal on privacy are noted it is not considered that the proposed fenestration at third floor level would result in an unacceptable loss of privacy and undue overlooking as a result of the separation between the blocks, the position of windows within the proposed extension and the relationship between the flank elevation of the proposed extension and the front and flank facing windows at Anerley Court.

Kelso Court lies to the south of Linden Court and the impact of the proposal in terms of overshadowing to the neighbouring property has been carefully considered. Approx. 14m separation is retained between the north eastern elevation of the host building and the south western flank elevation of Linden Court. The buildings are separated from each other by the garage block at Linden Court, and it is noted that the host site lies in a slightly elevated position in relation to the neighbouring site. In view of the separation between the properties, the impact of the proposal on the privacy of the occupiers of neighbouring properties is considered acceptable.

Standard of accommodation

The Mayor of London SPG provides minimum floor space for all housing. London Plan Policy 3.5 states that housing should be of the highest external quality. The Mayor of London's Housing Supplementary Planning Guidance (SPG) sets design standards for new housing in Greater London and applies to all new housing developments, not just affordable housing. The design of new housing should be consistent with the London Housing Design Guide / Mayor of London Supplementary Planning Guidance (SPG).

Table 3.3 of the London Plan requires a minimum Gross Internal Area of 50m² for a one bedroom two person flat. Three of the four flats provide less floor space than the minimum GIA for a one bedroom flat in the London Plan. The space provided for the proposed flats on the fourth floor appears commensurate with that of the existing flats on the ground, first and second floors and the applicant has indicated on the submitted floor plan the illustrative placement of furniture within each flat and states that the recommended areas for bedrooms and living spaces are achieved.

No private amenity space is provided for each flat which again is commensurate with the existing residential development on the lower floors. The property has an open grassed area of amenity space at the rear of the building along with further

open lawns to the front of the site which are quite well screened from street views by existing/retained planting.

Highways and Traffic

The proposal would reconfigure the existing on-site parking, providing an additional space at the rear and enlarging the existing forecourt parking area. The refuse and recycling area would be relocated from the rear boundary of the site to be positioned at the front of the site beneath the canopy of existing/retained trees. No technical highways objections are raised, taking into account the size of the proposed units and the overall parking provision of 16 spaces to serve 16 flats.

Impact on protected species

The applicant has submitted an emergence/activity survey to update the previous report resulting from visits conducted in July 2014. The most recent survey was undertaken in September 2016. The building has been identified as a day roost and as such a European Protected Species Mitigation Licence is required from Natural England. Submitted with the application is confirmation from Natural England that mitigation licensing has been granted under the Conservation of Habitats and Species Regulations 2010 (as amended).

Impact on trees

It is considered that subject to a condition requiring implementation in accordance with the submitted Tree Protection Plan and Arboricultural Method Statement the development would have a minimal impact on trees within and adjacent to the site.

Summary

It is considered that the proposal would not have a significant impact on visual and residential amenities and upon on-street parking demand, the free flow of traffic and conditions of safety in Anerley Park. The applicant has commissioned appropriate investigation of the presence of bats within the site and a Mitigation License has been issued by Natural England. While some of the proposed flats would fall short of the GIA recommended in the London Plan, the accommodation proposed would broadly replicate the existing quality of residential accommodation on the lower floors and the indicative drawings suggest that individual bedrooms and living areas would be of satisfactory size. The provision of an additional 4 residential units is considered to carry significant weight in the assessment of the scheme and on balance it is recommended that planning permission be granted.

RECOMMENDATION: PERMISSION

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 with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or**

drawings unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 3 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.**

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 4 Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

- 5 Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be 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.**

Reason: In order to comply with Policy T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

- 6 Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved**

in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 7** The development hereby granted planning permission shall be implemented in complete accordance with the European Protected Species Mitigation Licence 2014-5874-EPS-MIT.

Reason: In accordance with Policy NE5 of the Unitary Development Plan and in order to mitigate the impact of the proposal on the identified protected species upon the site.

- 8** The development shall be implemented in accordance with the Tree Protection Plan (TPP 01) and Arboricultural Method Statement (AMS) submitted and approved as part of the planning application and under the supervision of a retained arboricultural specialist in order to ensure that the phasing of the development accords with the stages detailed in the method statement and that the correct materials and techniques are employed.

Reason: To maintain the visual amenity of the area and to accord with Policy NE7 of the Bromley Unitary Development Plan.

- 9** The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

Reason: In the interest of the visual and residential amenities of the area and to accord with Policies BE1 and H7 of the Unitary Development Plan.

You are further informed that :

- 1** 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 Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 2** 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