

SECTION '2' – Applications meriting special consideration

Application No : 17/00435/FULL1

Ward:
Crystal Palace

Address : Land Adjoining Grace House Sydenham
Avenue Sydenham London

OS Grid Ref: E: 534881 N: 171145

Applicant : Mr Anthony Montague

Objections : YES

Description of Development:

Erection of 4 semi-detached houses with associated parking, landscaping and cycling and refuse storage

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 25

Proposal

The site lies to the eastern side of Sydenham Avenue. The site appears to be currently an amenity area for Grace House. This is a 0.123ha plot of land adjacent to Grace House. Grace House is a 3 storey flatted building. The site lies within a predominantly residential area. Grace House being a block of flats, in addition are houses to the South at Cobden Mews and to the East a new residential development site is being built at the Haven.

The site is not in a conservation area and there are no Listed buildings in the immediate vicinity. The site is in a poor area of public transport accessibility (PTAL 2).

The application is accompanied by a Transport Statement and an Arboricultural Report.

The development proposes to erect 2 pairs of 4 bedroomed, 3 storey semi-detached townhouses. Other works include the creation of a new vehicular access. This would lead to an existing access that would be shared with residents of Grace House and Cobden Mews. The application also proposes to create 8 parking spaces. The town houses would have a traditional appearance and would incorporate a palate of quality materials and appropriate architectural detailing.

Consultations

There has been around 20 letters of objection to this application.

The comments include the following:

- Potential Drainage collapse posing health risks

The plans to connect to drains in Cobden Mews will cause significant inconvenience to the residents of Cobden Mews due to the fact that presumably the existing driveway and landscaping will have to be disturbed and there will be restricted access for residents. Should the drain wall outside of No.7 collapse as a result of the additional strain, the Mews and surrounding areas will once again be overrun with sewage and vermin as happened a few years ago when the drainage wall outside No.4 collapsed. This poses significant health risks to residents and surrounding areas. As driveway areas outside the houses in Cobden Mews are private land, permission would need to be sought from the residents before commencement of any works encroaching on that land.

- Inadequate Fire Tender Plans putting lives at risk

The current plans indicate that in order for a fire truck to access the houses it would need to perform a reversing procedure to gain entry into the planned driveway to be built. However in reality the current narrow access and the existing parking arrangements of residents does not support this plan effectively and I am concerned that lives will be put at risk if a fire access assessment is not fully considered.

- Disturbance and possible irreversible damage to existing protected Redwood Tree and other protected trees bordering the Mews and Grace House as a result of over development.

It is of great concern that compensatory planting will not be able to offset any damage that might occur to the roots of these mature trees which may result in the lopping or felling of these trees post construction. This would be detrimental to the surrounding area and increase the likelihood of light pollution within the triangle of Grace House and Cobden Mews.

- Contravention of existing ASSET protection agreements regarding the Railway Tunnel running under the site by attempting to build something of that scale directly over the Tunnel.

There is NO precedent for building to that scale over the Tunnel in this area and surrounding areas. Development would be breaking the zone of influence surrounding the railway line which must be kept free of building development. Even the Haven/Rookstone development adjacent to Cobden Mews and this site have been careful to respect this zone in their building plans.

- Loss of privacy

The roof terrace plans will undoubtedly result in a significant loss of privacy for No.6, No.7 and No.8 Cobden Mews due to the fact that bedrooms will be directly overlooked from the terraces.

- Continued disturbance and potential damage to existing wildlife

This development will continue to cause disturbance to existing wildlife and may even result in loss of existing habitats within the area; as has happened with the bats that were on the Haven/Rookstone development.

- Increased risk of subsidence to Cobden Mews

There is increased risk of subsidence to Cobden Mews and other adjacent property with the increase in the water table and compression of soil in the construction process.

- use the private access road of Cobden Mews-causing danger to pedestrians and cars entering and leaving Cobden Mews
- cause noise pollution by bringing cars to the area just behind the front fence of Cobden Mews.
- Place refuse bins right by the pedestrian/vehicle entrance of Cobden mews thus risking vermin/odours.
- Risk the safety of pedestrians and vehicles on the private slip road from Sydenham Avenue to the gate of Cobden Mews.
- Risk flooding in Cobden Mews by replacing the garden/grass in the land adjoining grace house with paving.
- Risk flooding in Cobden mews by adding to the sewage without due planning and care and attention or permission.
- The development would very badly affect the quality of life of the residents of Cobden mews and the residents of Grace House and the residents of Brooklyn Cottage
- Impact of electronic gates
- Slip road is part owned by Cobden Mews
- Connection to Foul and surface water not been agreed.

There has been one letter of support.

The full detail of comments received are available to view on file.

Highways

The site is located in an area with poor PTAL rate of 2 (on a scale of 1 - 6, where 6 is the most accessible). The developer had reduced the number of units from 6 to 4. The applicant is providing 8 car parking spaces.

The parking area has been amended as the applicant has increased the distance between end corner bays and I have now seen the swept path analysis for parking bays and am satisfied.

The developer is providing cycle storage facility to store minimum 2 cycles per dwelling which is satisfactory.

Bins storage facilities are shown next to the gate which is good but please consult LBB Waste Service regarding refuse storage and servicing of the units.

The adjoining Grace House building is cantilevered over RPZ allowing clearance for airflow and moisture to penetrate the ground so Network Rail should also be consulted as it appears that this site is on top of a rail tunnel.

The applicant was asked to demonstrate how the gates would operate i.e. manual or remote controlled and how two cars will pass each other at the entrance and how emergency services will access the site i.e. a Swept Path Analysis using AutoTrack Road software etc. I have now seen the swept path analysis (drawing number 001 Rev A03) and am satisfied with Remote Controlled Automated Sliding Gate which is more practical and has created more manoeuvring space for vehicles. Subject to the following conditions

Condition

H03 (Satisfactory Parking)

H18 (Refuse storage)

Drainage:

No objections raised information from the applicant subject to the following condition.

The surface water drainage scheme hereby permitted shall be implemented in full accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The following approved report/plans shall be complied with:

- "Drainage Services Site Layout External Drainage Layout" Plan DRW No. PL/100 Dated 20/04/2017.
- "Aquaflow Permeable Paving Formation & Construction Details" Plan DRW No. D100 Rev B dated 06/03/2017.
- "Aquaflow Permeable Paving Layout for Parking Area & Access Road" DRW No. D1 Rev B dated 06/03/2017.
- Micro Drainage Calculations.

Reason: In order to comply with Policy 5.13 of the London Plan and to reduce the impact of flooding both to and from the proposed development and third parties.

Trees

The Tree officer advises that the revisions to the proposed development remove parking bays from beneath nearby tree canopy cover. The Arboricultural Report outlines tree protection measures and other techniques to reduce the impact of the proposed development on the retained trees. The low invasive construction of the access drive within Root Protection Areas (RPA) is the main reason I am able to recommend conditional permission.

I would recommend permission in line with the following condition:

1. The development shall be implemented in accordance with the Arboricultural Report (30/01/17) approved as part of the planning application, under the supervision of a retained arboricultural specialist in order to ensure that the correct materials and techniques are employed.

REASON: To ensure that works are carried out according to good arboricultural practice and in the interests of the health and amenity of the trees to be retained around the perimeter of the site and to comply with Policy NE7 of the Unitary Development Plan.

Rail Tunnel

The applicant advises that in relation to the rail tunnel. Our understanding after consulting Network Rail Asset Protection is that development over the Penge Tunnel is possible providing we follow the correct development protocol which in summary is the following :-

1. That all site works, soil tests, ground works and excavations meet with your standards and are approved and authorised by your team prior to commencement of works.
2. That our foundation designs are approved by your structural and civil engineering team.
3. That we conduct our development under the jurisdiction of the Network Rail Basic Asset Protection Agreement (BAPA - see attached).

Network Rail has agreed this position. Scheme Project Manager at Network Rail for this project has confirmed that they are working in alliance with the developers in all aspects with regards to this project.

Planning Considerations

Relevant Policies

The proposals fall to be considered with regards to the following policies of the Unitary Development Plan:

BE1 (Design of new development)
H1 (Housing Supply)
H7 (Housing Density and Design)
H9 (Side space)
NE7 (Development and Trees)
T3 (Parking)
T18 (Road safety)

Supplementary Planning Guidance 1 -General Design Principles
Supplementary Planning Guidance 2 - Residential Design Guidance

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 closed on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). It is anticipated that the draft Local Plan will be submitted to the Secretary of State in mid-2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The relevant policy is as follows:

Draft policies relevant to this scheme include:

- Draft Policy 1 - Housing Supply
- Draft Policy 4 - Housing Design
- Draft Policy 30 - Parking
- Draft Policy 32 - Road Safety
- Draft Policy 37 - General Design of Development
- Draft Policy 113 - Waste Management in New Development
- Draft Policy 116 - Sustainable Urban Drainage Systems (SUDS)
- Draft Policy 117- Water and Wastewater Infrastructure Capacity
- Draft Policy 120 - Air Quality
- Draft Policy 122 - Light Pollution
- Draft Policy 123 - Sustainable Design and Construction
- Draft Policy 124 - Carbon Dioxide Reduction, Decentralise Energy Networks and Renewable Energy

The development proposals would also fall to be considered under the following policies contained within the London Plan:

- 3.3 Increasing Housing Supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing development
- 5.3 Sustainable design and construction
- 5.13 Sustainable drainage
- 7.3 Designing out crime
- 7.4 Local Character
- 7.8 Heritage assets and archaeology

The National Planning Policy Framework is also a key consideration in the determination of applications.

Planning History

There was an application at the site under 87/03612/OUT for two dwellings this was refused and dismissed on appeal. The Inspector considered that the proposal was a backland site and was unacceptable at that time. This case is still a material consideration to any decision made at this site. It is noted that this application was 30 years ago and subsequently the adjacent site at Cobden Mews was granted permission at appeal for 8 units. The Planning Inspector resolving that this site was in character with the area and not a backland site.

Conclusions

The main issues in a proposal of this nature are considered to be:

- Principle of development
- The impact of the proposal on the visual amenities of the area
- The impact of the proposal on the residential amenities of neighbouring properties
- Future residential amenity and the extent to which the proposal would provide accommodation of a satisfactory level of amenity for prospective occupants
- Highways and parking issues
- Trees
- Other matters

Principle of residential development

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.

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 NPPF at paragraph 53 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 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.

It is considered that the host site makes a positive contribution to the character and visual amenities of the area and any proposed development should seek to retain

significant space between buildings and a suitably soft landscaped setting. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed. Therefore the provision of an additional dwelling units on the land appears 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.

As stated above the London Plan Policy 3.4 states that development should optimise housing output for different types of location taking into account local context and character, design principles and public transport capacity.

Impact upon the setting of the adjacent buildings and the character and appearance of the area

In terms of the visual impact of the proposal, the relationship between the proposed buildings and neighbouring buildings is considered acceptable, in view of the retention of separation provided to the formed boundaries of the site. While the proposal would result in the loss amenity space associated with the host block of flats it is considered that adequate space would be retained around that building to provide an appropriate setting and usable amenity space.

In terms of the plot size and the scale of the development it is considered the proposals are acceptable in terms of their relationship with the pattern of development in the locality.

There are a number of mature trees within and adjacent to the site which contributes to the visual amenities of the area and the landscape setting. It is considered that the impact on the trees is acceptable following on from the submitted information.

Impact of the proposal on the residential amenities of the area

It is noted that the site is surrounded by other residential properties. However, it would appear that the separation between the proposed dwellings and these properties would be acceptable to limit the impact of the proposal in terms of overlooking and loss of privacy. Each property would have its own roof terrace. However, this would be sited behind the parapet wall of each dwelling, with a further setback of 1.7m. The roof terraces would also be enclosed by glazing that would present a light-weight appearance. A frontage setback and the provision of 1.8m high privacy screens would effectively restrict any overlooking into the gardens or windows of neighbouring properties. However, due to its location it is unlikely that this element would result in undue harm locally.

Density

With regard to the density of the proposed development, Table 3.2 of Policy 3.4 (Optimising Housing Potential) of the London Plan gives an indicative level of density for new housing developments. In this instance, the proposal represents a density of 195 rooms per hectare with the table giving a suggested level of 150 -

250 per hectare in suburban areas with a 2 PTAL location. The proposals would therefore result in an intensity of use of the site that would be within the thresholds in the London Plan, however, they need to be assessed against the wider context in terms of the character, spatial standards and townscape value of the surrounding area.

Future residential amenity

Policy 3.5 of the London Plan (2015) Quality and Design of Housing Developments states the minimum internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.

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

The floor space size of each unit shown on the illustrative plans would exceed the minimum baseline requirement of room standards as found within the London Plan (2015), and would be considered acceptable.

The applicant has confirmed that the proposals would comply with Part M4(2) of the Building Regulations "accessible and adaptable dwellings", and therefore complies with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016.

Highways

No objections to the proposal

Trees

The Tree officer advises that the revisions to the proposed development remove parking bays from beneath nearby tree canopy cover. The Arboricultural Report outlines tree protection measures and other techniques to reduce the impact of the proposed development on the retained trees. The low invasive construction of the access drive within Root Protection Areas (RPA) is the main reason I am able to recommend conditional permission.

Drainage:

No objections raised information from the applicant subject to the following condition

Other matters

The applicant advises that in relation to the rail tunnel. Our understanding after consulting Network Rail Asset Protection is that development over the Penge Tunnel is possible providing we follow the correct development protocol which in summary is the following :-

1 That all site works, soil tests, ground works and excavations meet with your standards and are approved and authorised by your team prior to commencement of works.

2 That our foundation designs are approved by your structural and civil engineering team.

3 That we conduct our development under the jurisdiction of the Network Rail Basic Asset Protection Agreement (BAPA - see attached).

Network Rail has agreed this position.

Nearby residents in their comments have mentioned seeking permission to access private land, this is a civil matter and is one that the Local Planning Authority will not become involved.

Design out crime

The applicant would be willing to agree to an appropriately worded condition to ensure the development would meet secure by design principles

Conclusions

It is clear that the proposals will impact on the adjacent properties as a result of this proposal and a judgement needs to be made about the whether the impact is unduly harmful. Accordingly, Members will need to take account of the plans that have been submitted for this site and the comments made by residents during the consultation period.

The development will deliver 4 new family sized homes. The siting scale and design of the development would be similar to neighbouring infill developments. The development would not unduly harm conditions of amenity for surrounding occupiers, nor would it harm the protected trees that are sited along the neighbouring boundaries of the site.

Bearing in mind the issues in this case and the concerns made during the consultation of this application is presented on list 2 of the agenda.

Accordingly, and taking all the above into account, it is recommended that planning permission be granted in line with the conditions contained within this report.

Background papers referred to during production of this report comprise all correspondence on the file ref: 17/00435/FULL1 set out in the Planning History section above, excluding exempt information

**as amended by documents received on 21.04.2017 13.03.2017 09.03.2017
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 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 order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

3 Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.

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

4 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.

5 The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall be permanently retained thereafter.

Reason: To comply with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016 and to ensure that the development provides a high standard of accommodation in the interests of the amenities of future occupants.

6 The surface water drainage scheme hereby permitted shall be implemented in full accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The following approved report/plans shall be complied with:

- "Drainage Services Site Layout External Drainage Layout" Plan DRW No. PL/100 Dated 20/04/2017.
- "Aquaflow Permeable Paving Formation & Construction Details" Plan DRW No. D100 Rev B dated 06/03/2017.
- "Aquaflow Permeable Paving Layout for Parking Area & Access Road" DRW No. D1 Rev B dated 06/03/2017.

- **Micro Drainage Calculations.**

Reason: In order to comply with Policy 5.13 of the London Plan and to reduce the impact of flooding both to and from the proposed development and third parties.

- 7 The development shall be implemented in accordance with the Arboricultural Report (30/01/17) approved as part of the planning application, under the supervision of a retained arboricultural specialist in order to ensure that the correct materials and techniques are employed.

Reason:To ensure that works are carried out according to good arboricultural practice and in the interests of the health and amenity of the trees to be retained around the perimeter of the site and to comply with Policy NE7 of the Unitary Development Plan.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: In order that, 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 Policy BE1 of the Unitary Development Plan.

- 9 Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

- 10 Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.

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

- 11 Before any work is commenced details of parking spaces and/or garages and sufficient turning space shall be submitted to and approved in writing by the Local Planning Authority and such provision shall be completed

before the commencement of the use of the land or building hereby permitted and shall thereafter be kept available for such use. No development whether permitted by the Town and Country Planning (General Permitted Development Order) 1995 (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.

12 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.

You are further informed that :

1 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

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

3 Conditions imposed on this planning permission require compliance with Part M4 of the Building Regulations. The developer is required to notify Building Control or their Approved Inspector of the requirements of these conditions prior to the commencement of development.