

SECTION '2' – Applications meriting special consideration

Application No : 17/04309/FULL1

Ward:
Crystal Palace

Address : Cornerways Sydenham Avenue
Sydenham London SE26 6UH

OS Grid Ref: E: 534787 N: 171102

Applicant : Mr M Harris

Objections : YES

Description of Development:

Demolition of the existing dwellinghouse and the erection of a part 1.5 storey and part 2 storey building containing 5 two bedroom flats with associated car parking, hard and soft landscaping, refuse and cycle storage.

Key designations:

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

Proposal

Planning permission is sought for the demolition of the existing dwellinghouse and the erection of a part 1.5 storey and part 2 storey building containing 5 two bedroom flats with associated car parking, hard and soft landscaping, refuse and cycle storage.

The proposed building would maintain the principle elevation to Sydenham Avenue with a central entrance providing access to upper level flats. Access to the ground floor flats are provided individually. The building would have a slightly staggered building line to both Sydenham Avenue and Crystal Palace Park Road with minor recesses to the elevations.

The proposed building would project further back than the existing buildings footprint at approximately 17.5m depth at ground and first floor level at its maximum extents. The building has varying eaves heights of between 3m and 5m and a maximum ridge height of approximately 8m to the southern section and 5.5m to the northern section. This results in a 1.5 storey section facing the south west corner of the site and a one storey section with roof space accommodation to the northern end of the building. It shall also be noted that the ground levels of the proposed building within the site are lower than the adjacent road levels.

An average distance of approximately 3.3m minimum side space would be retained to the north western flank boundary of the site for majority of the building depth reducing to 2.8m to the south west corner facing the junction with Sydenham Avenue/Crystal Palace Park Road. A distance of 1.7m minimum side space would

be retained to the south eastern flank boundary of the site with No56 Crystal Palace Park Road. The reduced rear section of the building is located 7.5m from the flank boundary of the site with No56.

A recessed balcony is proposed facing Sydenham Avenue. A landscaped area is provided to the rear curtilage adjacent to a parking area with three spaces. A bin storage area and cycle storage will be located near to the boundary with Sydenham Avenue. A single vehicle access point is indicated utilising the existing rear side access point from Sydenham Avenue. The curtilage facing both roads will be soft landscaped with a high metal railing with brick piers style structure indicated to the highway boundaries. Part of the curtilage adjacent to the proposed building will be enclosed for individual use of the ground floor flats and one upper level unit.

Materials are indicated as a mix of traditional brick, vertical tile hanging and roof tiles. The Design and Access Statement details that a modest Arts and Crafts style design approach has been opted for to be reflective of the similar properties in the area generally. A CGI of the proposed development has been provided that shows the scheme in the context of the proposed streetscene.

Location and Key Constraints

The site is located on the north east side of Crystal Palace Park Road on a corner plot with Sydenham Avenue and currently comprises a detached two storey dwellinghouse forming a group of four similar detached dwellings. The principle elevation of the existing building faces onto Sydenham Avenue with the other three dwellings facing Crystal Palace Park Road. The land within the site is at a lower ground level than the adjoining roads.

Opposite the site is the Crystal Palace Park also designated as a Conservation Area and Metropolitan Open Land. To the north west of the site there is a terrace block of three storey town houses with principle elevations facing on to Sydenham Avenue. To the rear of the site is a two storey detached dwellinghouse known as Brooklyn Cottage.

The site includes a large external amenity space at the rear which is mainly laid to lawn. A number of mature trees are located around the front perimeter of the site and externally within the footway grass verge outside of the site. There are currently two vehicular access points from Sydenham Park Avenue to the front flank and rear flank of the site.

Comments from Local Residents and Groups

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

Objections

- Application still represents an overdevelopment of a modest suburban site.
- Many general comments have stated that the application is generally not significantly different to its predecessors.

- Out of keeping with and detrimental to the general character, mass and scale of the immediate vicinity. Site is cramped and higher level than its immediate neighbours.
- No relationship to the existing gardens or pattern of development in this location.
- No substantive change to the design of the block of flats, remains bulky and over large with an inappropriate crown roof.
- An important and iconic corner (opposite the park), which is historically important and requires an architecturally sensitive building.
- Will cause overlooking and loss of amenity and privacy. It would be overbearing.
- Unacceptable degree of intensification resulting in a significant increase in noise associated with the comings and goings of many more people.
- Concern regarding loss of trees.
- Inadequate level of car parking causing on street congestion.
- Concern regarding servicing vehicles and deliveries.
- Inappropriate site for flats. Unacceptable level of density and occupancy for the site.
- Concerns regarding alleged unauthorised works to the building undertaken already.
- Concern regarding loss of trees and greenery.
- Concerns regarding proximity to neighbouring boundaries.

Comments from Consultees

Conservation Officer:

No objection.

Environmental Health Pollution Officer:

No objection. Further details of acoustic mitigation are recommended by planning condition.

Drainage Engineer:

Further details to be obtained through planning conditions as necessary.

Highways:

The development is located on the corner of Sydenham Avenue and Crystal Palace Park Road. Crystal Palace Park Road (A234) is a London Distributor Road and part of Strategic Road Network. Also the site is located in an area with PTAL rate of 2 to 3 (on a scale of 1 - 6b, where 6b is the most accessible).

The existing vehicular access arrangement from Sydenham Avenue would be utilised leading to the car parking area which is acceptable. Three car parking spaces are indicated on the submitted plans. In summary and in discussion, the Highways Officer has advised that a balanced judgement on the level of provision

needs to be made with regard to the varying standards between the adopted London Plan, UDP and emerging Draft Local Plan. In terms of cycle parking, ten spaces are required. Refuse store is acceptable in principle.

Arboriculture:

The proposed scheme does not present any additional tree constraints. Previous comments remain valid.

The revised scheme does not present any further tree constraints and is therefore still acceptable, providing protection measures are adopted. The previous tree related concerns related to the increased pruning pressures created by the new positioning of the proposed building and the outlooks in respect of the northern and eastern aspects. The tree survey data would suggest that the canopy layers will need to be managed to a degree. The lime trees along the western boundary have been pollarded at some point in the past. Should similar works be proposed, regardless of the application to redevelop the site, such management would not be opposed by the Council. The pruning pressures should therefore not form a reason to refuse the application. The arboriculture submissions have addressed the remaining constraints associated with the construction of a new building and associated hard surfacing.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

London Plan Policies

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 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
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.12 Road Network Capacity.
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.14 Improving Air Quality

- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- 7.19 Biodiversity and Access to Nature
- 8.3 Community Infrastructure Levy

Unitary Development Plan

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- BE13 Development Adjacent to a Conservation Area
- G2 Metropolitan Open Land
- ER7 Contaminated Land
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- NE7 Development and Trees
- T3 Parking
- T5 Access for People with Restricted Mobility
- T6 Pedestrians
- T7 Cyclists
- T16 Traffic Management and Sensitive Environments
- T17 Servicing of Premises
- T18 Road Safety

Emerging Local Plan

- 1 Housing supply
- 4 Housing design
- 8 Side Space
- 30 Parking
- 32 Road Safety
- 33 Access for All
- 34 Highway Infrastructure Provision
- 37 General design of development
- 43 Development Adjacent to a Conservation Area
- 53 Land Adjoining Green Belt or Metropolitan Open Land
- 73 Development and Trees
- 77 Landscape Quality and Character
- 112 Planning for Sustainable Waste management
- 113 Waste Management in New Development
- 115 Reducing flood risk
- 116 Sustainable Urban Drainage Systems (SUDS)
- 117 Water and Wastewater Infrastructure Capacity
- 118 Contaminated Land
- 119 Noise Pollution
- 120 Air Quality
- 122 Light Pollution
- 123 Sustainable Design and Construction

Supplementary Planning Guidance

Supplementary Planning Guidance 1: General Design Principles

Supplementary Planning Guidance 2: Residential Design Guidance

Housing: Supplementary Planning Guidance. (March 2016)

Technical housing standards - Nationally Described Space Standard (March 2015)

Planning History

The relevant planning history relating to the application site is summarised as follows:

- 84/01324/FUL: Single storey front/side extension and canopy at side detached house. Approved 15.11.1984
- 85/02478/FUL: Single storey front and side extension detached house. Approved 06.11.1985
- 16/00052/FULL1: Demolition of existing dwelling and erection of part two, part three storey block of flats comprising 5 two 2 bedroom flats and 3 one bedroom flats with associated parking, landscaping, refuse and recycling. Withdrawn by applicant.
- 16/02192/FULL1: Demolition of existing dwelling and erection of part two, part three storey block of flats comprising 2 two bedroom maisonettes, 3 two bedroom flats and 1 one bedroom flat with associated parking, landscaping, refuse and recycling. Refused 04.08.2016
- 17/00858/FULL1: Demolition of the existing dwellinghouse and the erection of a part single, part two, part three storey building comprising 7 flats (3 one bedroom 4 two bedroom units) with associated car parking, landscaping and refuse and cycle storage. Refused 09.05.2017.

The application was subsequently appealed and dismissed on 11/10/17.

- 17/02629/FULL1: Demolition of existing dwellinghouse and outbuildings and construction of a part 1.5, part 2 storey building comprising 4 two bedroom flats and 2 one bedroom flats with associated parking, hard and soft landscaping, refuse and recycling. Refused 23/8/17.

The refusal reasons related to a cramped overdevelopment of the site by reason of the limited size of plot available for the level of increased density of residential use, detrimental to the character of the area and context of two storey residential properties adjacent to the site in the immediate locality.

The prominent siting, scale massing and a substandard spatial relationship to adjacent dwellings in this prominent corner location were considered to be

harmfully at odds with the open spatial characteristics of the Sydenham Avenue/Crystal Palace Park Road junction which is an important characteristic to the existing development pattern. The proposal therefore represented an inappropriate and visually obtrusive over development detrimental to the character and visual amenities of the locality.

Finally, the proposed development by reason of its overbearing nature, siting and proximity to neighbouring buildings and property boundaries was considered to have a serious and adverse effect on the privacy and amenity enjoyed by the occupants of neighbouring property at No56 Crystal Palace Park Road.

The application was subsequently appealed and dismissed on 18/1/18.

The Planning Inspector commented in their Decision Notice that on the opposite side of Crystal Palace Park Road is Crystal Palace Park, a very large area of open space, which is within a conservation area and is a grade II* listed heritage asset. As a consequence, the appeal site is within a sensitive location in an area that has a spacious, open and verdant character and appearance contributing to the setting and significance of the heritage assets.

In conclusion it was opined that even though the height of the proposal had been reduced from that considered under a previous appeal, it would still be of a scale which, when combined with the proximity of the building to Sydenham Avenue, would lead to a dominant, incongruous building. As a result the scheme was deemed to erode the open, spacious nature of the area to a degree that would be harmful to the character and appearance of the area. The Planning Inspector was not persuaded that the setting and significance of the heritage assets would be preserved and it was concluded that the proposal would be harmful to the character and appearance of the area, including the setting and significance of heritage assets.

As regards the siting and proximity to neighbouring buildings and property boundaries, the Planning Inspector did not consider the scheme to have a serious or adverse effect on the privacy and amenity enjoyed by the occupants of neighbouring property at No56 Crystal Palace Park Road.

Considerations

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

- Principle of development
- The design and appearance of the scheme and the impact of these alterations on the character and appearance of the area and wider locality.
- The quality of living conditions for future occupiers
- Access, highways and traffic Issues
- Impact on adjoining properties

Resubmission

This application is a resubmission of previous applications at the site as detailed above.

The main differences result in a reduction in mass, scale, height and footprint and an increased separation from No 56 Crystal Palace Park Road. The number of units has been reduced to 5 two bedroom units from 7.

Principle

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 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 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 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.

Residential dwellings surround the site on all sides. The site is currently developed for a single unit of occupancy for residential use. In this location the Council will however, consider a higher density 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 a residential block on the land as opposed to a single dwelling 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.

Density

Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Chapter 7 of the plan and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL).

The site has a PTAL rating of 2 to 3 and is within a suburban setting. In accordance with Table 3.2, the recommended density range for the site would be 40-65 dwellings per hectare and 150 to 250 habitable rooms per hectare.

The revised scheme has been reduced by a further unit in the overall scheme providing five flats as opposed to six and seven in previous schemes. As a result the proposed development would have a reduced density of 71 dwellings per hectare and 214 habitable rooms per hectare now only very marginally over the suggested figures in relation to unit density and within the figures suggested for the number of habitable rooms. This may be considered an acceptable amount of development at this location given the available site area.

Indeed, a numerical calculation of density is only one aspect in assessing the acceptability of a residential development and Policy 3.4 is clear that in optimising housing potential, developments should take account of local context and character, design principles and public transport capacity which are assessed below.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport

networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policies 3.4 and 3.5 of the London Plan reflect the same principles. Policy 3.4 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. This reflects paragraph 58 of the National Planning Policy Framework, which requires development to respond to local character and context and optimise the potential of sites.

Policy BE1 and H7 of the UDP set out a number of criteria for the design of new development. With regard to local character and appearance 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.

Policy H9 of the UDP requires that new residential development for a proposal of two or more storeys in height a minimum of 1m side space from the side boundary is maintained and where higher standards of separation already exist within residential areas. Proposals will be expected to provide a more generous side space.

The application is a further submission that seeks to address the planning history related to the site as detailed above. The Design and Access Statement submitted with the application has provided an analysis of the efforts made to overcome the previously refused schemes.

In summary this largely consists of further reductions in the footprint of the building, reductions in the building height across the whole development as detailed above with a significant lesser scale in terms of height and a reduction in depth by 2.5m indicated to the rear northern section of the building comprising a single story with additional roof space accommodation from previously a one and a half storey section. Revised elevation designs have also resulted in less prominent elevations facing Sydenham Avenue and Crystal Palace Park Road. Spatial separation has been improved immediately adjacent to No56 to 1.7m distance with a further lowered height flank elevation with cat slide roof and reduced first floor bulk. The separation of the rear section of the building from the flank boundary facing No 56 has also been further increased to 7.5m, previously 6.5m.

The front of the building facing Crystal Palace Park Road has been set back by an additional 0.5m than previously for half the front elevation closest to No56. This improves the staggered relationship of the building with the remaining properties to the south east. Externally landscaping and screening has been improved.

The Planning Inspector commented in the recent Appeal ,Decision (18/1/18) that the site is within a sensitive location in an area that has a spacious, open and verdant character and appearance contributing to the setting and significance of the heritage assets and concluded that even though the height of the previous proposal had been reduced it would still be of a scale which, when combined with the proximity of the building to Sydenham Avenue, would lead to a dominant, incongruous building eroding the open, spacious nature of the area to a degree that would be harmful to the character and appearance of the area. The Planning Inspector was not persuaded that the setting and significance of the heritage assets (Crystal palace Park) would be preserved.

Policy BE13 requires that a development proposal adjacent to a conservation area will be expected to preserve or enhance its setting and not detract from views into or out of the area.

Given the further alterations and reductions to the scheme, the lower ground level internally within the site that reduces the street scene view of the building, on balance the proposed development is now considered to overcome the concerns opined by the Planning Inspector to provide an acceptable mass, scale and spatial relationship to adjoining property and the general character and pattern of development in the vicinity.

The carpark area opposite the site within the park boundary and Crystal Palace Park Conservation Area, along with tree screening, would further limit views from the conservation area to and from the site. Given there are taller structures around the edge of the park it is not considered that the proposal would be harmful to views in and out of the park sufficient to warrant refusal for this specific reason and it is now considered that the setting and significance of the heritage assets (Crystal Palace Park) would be preserved.

While it is noted that the buildings relationship to adjoining property will have a very minor impact to some extent in terms of scale, this will not be overbearing as in previous schemes and would not now warrant the refusal of planning permission on this basis.

In terms of the design approach of the revised scheme an Arts and Crafts design approach inspired by similar properties along Sydenham Avenue has been put forward again. The design approach of the scheme is welcomed.

Therefore the revised scheme is considered to have an acceptable scale, design and spatial relationship in character with the locality and immediate context of the site.

Standard of residential accommodation

Policy H7 of the UDP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Government's National Housing Standards.

The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.

Policy 3.5 of the London Plan and the Housing SPG (2016) Standard 24 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 should comply with Technical housing standards - nationally described housing standard (2015).

The floor space size of each of the flats in the building ranges between 61m² and 72.1m² respectively. The nationally described space standards requires a GIA of 50m² for a one bedroom two person unit, 61m² for a two bedroom three person unit and 70m² for a two bedroom four person unit in relation to the number of persons and bedrooms.

On this basis, the floorspace size provision for all of the units is compliant with the required standards and is considered acceptable.

The shape and room size in the proposed units is generally considered satisfactory for the ground and first floors where none of the rooms would have a particularly convoluted shape which would limit their specific use.

In terms of amenity space a separate balcony area for unit 4 with private garden spaces for the ground floor flats and unit 5 being provided for all of the flats which comply with the requisite size standards of the London Plan. Crystal Palace Park is also located opposite the site providing ample additional public recreational space for future occupants.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability

and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

Car parking

The Council's Highway Officer has reviewed the current application and not raised any direct objection in this regard. Three usable spaces are to be provided on site for the proposed development utilising an existing vehicular access point from Sydenham Avenue which on balance is considered satisfactory at this location given the moderate local public transport accessibility level. Therefore, the proposal is considered generally acceptable from a highways safety perspective subject to appropriate planning conditions as necessary.

Cycle parking

Cycle parking is required to be 1 space per studio and 1 bedroom flats and 2 spaces for all other dwellings. The applicant has provided details of a location for cycle storage for the units adjacent to the property boundary with Sydenham Avenue and within the private garden areas for the ground floor flats. Further details in this regard are recommended by condition as necessary.

Refuse

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of refuse storage on the units adjacent to the property boundary with Sydenham Avenue. The location point is considered acceptable. Further details in this regard are recommended by condition in relation to capacity and a containment structure as necessary.

Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

In terms of outlook, the fenestration arrangement will provide front, flank and rear outlook. Concerns have been raised regarding the overbearing mass and scale of the building and loss of privacy and overlooking to the gardens of adjacent properties at No56 and Brooklyn Cottage to the rear.

It is noted that in the recent Appeal Decision (18/1/18) the planning Inspector concluded that the previous scheme would not be harmful to the living conditions of

the occupiers of No 56 with regard to privacy and outlook. Given the current alterations of the scheme it is considered that the relationship of the building is improved further with no windows except for a ground floor combined door/window facing the main flank of No56.

As such the concerns raised and similarly in previous applications by direct overlooking from windows facing No56 is now considered acceptable.

In previous schemes, the extent of the rear projection of the building and presence of a high flank elevation in relative close proximity to the boundary was considered to be significant in terms of effect on residential amenity due to enclosure and overbearing impact to No56. The significantly reduced height, increased distance to the flank boundary of the current further submission is now considered to have overcome this concern resulting in an acceptable level of privacy and amenity to be enjoyed by the occupants of neighbouring property.

In relation to Brooklyn Cottage it is not considered that overlooking will take place to any significant degree of concern due to the further distance and separation provided in the revised scheme between the buildings at approximately 28m.

On balance, it is considered that the building in this revised scheme has acceptable impact to neighbouring residential amenity.

Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

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.

It is noted that photo voltaic panels are provided on the flat roof sections of the building. The introduction of these units is welcomed.

An informative is also recommended to ensure that the development strives to achieve the above sustainability objectives.

Trees

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. A tree survey report has also been submitted in respect of

trees on the site and a line of street trees in close proximity to the boundary of the site which may be affected by the proposed building. The Council's Arboriculture Officer has reviewed the revised scheme and not raised any objections in this regard as detailed above.

CIL

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

Conclusion

Having had regard to the above, the proposed revised development is would have a high quality design and would not have an unacceptable impact on the amenity of neighbouring occupiers. It is considered that the density and flat type of the proposed scheme is acceptable and that the development would not be detrimental to the character and appearance of the locality. 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) 17/04309/FULL1 and any other applications on the site set out in the Planning History section above, excluding exempt information.

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 all external materials, including roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate, shall be submitted to and approved in writing by the Local Planning**

Authority before any work is commenced. The development shall be carried out in accordance with the approved details.

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

- 4 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.

- 5 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.

- 6 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.

- 7 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.

- 8** The development permitted by this planning permission shall not commence until a surface water drainage scheme and details of general drainage works for the site based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development has been submitted to, and approved by, the Local Planning Authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water run-off rates to Greenfield rates in line with the Preferred Standard of the Mayor's London Plan.

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

- 9** An acoustic assessment shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of the development. The assessment shall determine the worst-case day time and night time ambient and background noise levels affecting this location and predict the internal noise levels in the proposed residential dwellings. A scheme of mitigation as necessary in light of the results of the assessment (covering facade, glazing and ventilation specifications to achieve suitable internal noise levels in line with guidance in BS8233:2014) shall be submitted to the Local Planning Authority for written approval prior to the commencement of the development and once approved shall be installed fully in accordance with the approved scheme and permanently maintained thereafter.

Reason: In the interest of the residential amenities of the dwellings and to accord with Policy 7.15 of the London Plan.

- 10** Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) for 10 bicycles 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.

- 11 The existing access shall be stopped up at the back edge of the highway before any part of the development hereby permitted is first occupied in accordance with details of an enclosure to be submitted to and approved in writing by the Local Planning Authority. The approved enclosure shall be permanently retained as such.**

Reason: In order to comply with Policy T11 of the Unitary Development Plan and in the interest of pedestrian and vehicular safety.

- 12 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.

- 13 The application site is located within an Air Quality Management Area declared for NO_x: In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NO_x emission rate of <40mg/kWh**

Reason: To minimise the effect of the development on local air quality within an Air Quality Management Area in accordance with Policy 7.14 of the London Plan.

- 14 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 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.

You are further informed that:

- 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 You should consult the Street Naming and 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**
- 3 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**
- 4 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.**
- 5 Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the modification of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant.**
- 6 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.**

- 7** If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

- 8** The applicant is advised that the development shall strive to achieve 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 of Policy 5.2 of the London Plan.