

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

Application No : 18/01228/FULL1

Ward:
Crystal Palace

Address : 46 Crystal Palace Park Road Sydenham
London SE26 6UG

OS Grid Ref: E: 534832 N: 171042

Applicant :

Objections : YES

Description of Development:

Demolition of the existing dwelling and the erection of a three storey building comprising 2 x studios, 5 x one bedroom and 1 x two bedroom flats with associated car parking, landscaping and refuse store.

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 dwelling and the erection of a three storey building comprising 2 x studios, 5 x one bedroom and 1 x two bedroom flats with associated car parking, landscaping and refuse store.

A contemporary design approach is opted for within the scheme. The proposed building will have a footprint of approximately 21.5m by 9.8m at its maximum extents and takes a three storey format. The rear section of the building at 5.45m depth is set in from the main flank elevations by 1m and 1.6m respectively. A flat roof is shown over the main part of the building.

A separation gap of 1.024m is shown to the north west boundary with Mayne Court (4.5m to the flank wall of Mayne Court) and 1.1m to the site boundary with The Haven development currently under construction.

The principle elevation will face Crystal Palace Park Road. The building is accessed via a single entrance to the south east corner of the building recessed under the first floor.

Vehicle access will take place from Crystal Palace Park Road comprising a parking area accessed via a widened vehicle cross over. This will accommodate 5 car park spaces. Cycle parking with storage for 12 bicycles is located to the rear of the site

accessed via a side passage to the south west boundary. Refuse storage is located integrally and adjacent to the main entrance.

Private gardens are provided for the two ground floor flats to the rear of the site. Upper level flats have access to private balconies facing Crystal Palace Park Road. A large additional communal space is provided to the rear of the site.

Materials are indicated as a mixed palette incorporating silver timber cladding, recessed brick cladding to upper levels, white render to lower levels and aluminium windows with metal panels.

The application was supported by the following documents:

- Design and Access Statement
- Planning Statement
- Traffic Management Plan
- Part M Compliance Statement

Location and Key Constraints

The existing detached house is located on the northern side of Crystal Palace Park Road. The wider area of Crystal Place Park Road is characterised by a mix of flatted and single dwellinghouse residential development. To the west of the site, Mayne Court is a three storey block of flats. To the east, The Haven residential development is currently under construction and this comprises a mix of houses and flats. The trees at the rear and flank of the site (on neighbouring land) are protected by a Tree Preservation Order (TPO).

The site does not sit within a conservation area although the boundary to the Crystal Palace Park Conservation Area is located to the front 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:

- Number of units and car parking spaces is too high and should be reduced. Preference to see three units.
- Overdevelopment as the density is still high.
- No substantive change from the previous two applications.
- Concern that future residents will live in cramped conditions.
- Site is too small for the proposed development.
- Concern regarding excessive parking and intensified use of the access creating highway safety issues.
- Concerns raised regarding inadequate parking.
- Design is not an attractive and pleasant living space.

- Concerns regarding overlooking to Mayne Court from flank windows affecting amenity of Mayne Court residents.
- Character of this area is of detached houses on large, verdant plots. The application proposes substantial plot coverage by a characterless building.
- Design is bland and unappealing.
- Children's play area will cause overlooking and noise and disturbance.
- Concerns for increased soil erosion, reduced groundwater within the locality.
- Concerns regarding further impacts to air quality in the area.
- Detrimental to Cobden Mews re overbearing building, plot too small, projects beyond Mayne Court, loss of much of rear garden space and overlooking.
- Concerns regarding compliance by a developer with any construction management plan.
- Design, layout and landscaping does not acknowledge or respond to open, green character of area and existing properties or Crystal Palace Park opposite.
- Concern regarding the number of developments allowed in the area.
- The adjoining developer at The Haven site has submitted an extensive letter highlighting objections with regard to principle, density and design, neighbouring amenity, highways and trees.

Local Groups

- Sydenham Society:

The Sydenham Society supports the detailed objections submitted by residents of Sydenham Avenue, Crystal Palace Park Road, Cobden Mews, Mayne Court etc. We maintain that the proposed development will not enhance this part of Crystal Palace Park Road and is out of scale in terms of its bulk and massing. If constructed it will appear as an incongruous element opposite the Grade 2* listed Crystal Palace Park.

Comments from Consultees

Conservation Officer:

Policy BE13 would be applicable as the site is adjacent to the Crystal Palace Park CA. I have assessed the proposed flat block and in terms of views into and out of the CA I do not believe the proposal would have any impact that would be greater than the existing house on the site nor would any harm be caused to the heritage asset.

Environmental Health Pollution Officer:

No objection in principle, however the application site is within an Air Quality Management Area declared for NOx.

As the site is within the AQMA and is likely to result in disturbance to nearby residents I would also expect to see a Construction Management Plan detailing

proposed mitigations for noise, vibration and dust as a demonstration of adopting best practicable means. The CMP should adhere to the Boroughs Construction Code of Practice and tailored to the specific development.

Drainage Engineer:

Further details of a surface water drainage scheme for the site based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development is required. A condition is recommended in this regard.

Tree Officer:

The tree constraints remain the same and I do not see any increased threat as a result of the latest submission. No arboricultural supporting documents have been supplied. I would be happy for these to be requested under condition.

Highways:

The development is located to the north of Crystal Palace Park Road (A234). Crystal Palace Park Road is a London Distributor Road and part of Strategic Road Network (SRN). The site is located in an area with medium PTAL rate of 3 (on a scale of 0 - 6b, where 6b is the most accessible). There are waiting restrictions immediately outside the property.

Five car parking would be provided access via a modified vehicular crossover. The level of car parking provided is satisfactory. Cycle parking is acceptable.

For the bins store, the design and construction of the enclosure doors and frames should be of sufficient strength to minimise the possibility of impact damage by the container. These enclosures must be located within 18m of the nearest accessible point for the refuse vehicle and should be provided with a path not less than 1.4 metres wide, free of steps, kerbs and ramps with an appropriate hardwearing surface, with a gradient not steeper than 5% (1 in 20).

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
- ER7 Contaminated Land
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- NE5 Protected Species
- 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
- 73 Development and Trees
- 77 Landscape Quality and Character
- 79 Biodiversity and Access to Nature
- 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:

14/01012/FULL6: Two storey side extension. Approved 13.05.2014

17/01181/FULL1: Demolition of existing dwelling and erection of a four storey building comprising 2 one bedroom, 6 two bedroom and 1 three bedroom flats with associated car parking, landscaping and refuse store. Refused.

The refusal reasons are summarised as follows:

- The bulk, height and siting in close proximity to Mayne Court resulting in an overly prominent and bulky feature within the street scene impacting detrimentally on the character and appearance of this part of Crystal Palace Park Road.
- An excessive residential density resulting in a cramped and over-intensive form of development, detrimental to the living conditions and amenity of future occupants of the proposed units.
- The height, scale, bulk and siting in advance of Mayne Court was deemed to have a harmful impact on the amenities of the residents of this neighbouring property by reason of loss of light and visual impact.
- An unacceptable amount of off-street car parking within an area of low accessibility to public transport was deemed to lead to further on-street parking stress in the surrounding highway network.

17/05106/FULL1: Demolition of the existing dwelling and the erection of a three storey building comprising 5 x one bedroom and 2 x two bedroom and 1 x three bedroom flats with associated car parking, landscaping and refuse store. Refused 22.01.2018

The refusal reasons are summarised as follows:

- An excessive residential density was found to result in an over-intensive form of development detrimental to the spatial standards of the locality.

- The siting in close proximity to Mayne Court and depth was found to result in an overly prominent feature within the street scene and would cause harm to the spatial standards of the locality.
- The depth and the design of the flank elevations were deemed to have a harmful impact on the amenities of neighbouring occupiers.

Other relevant planning history

Adjacent to the application site permission was granted at The Haven, Springfield Road for the demolition of existing buildings and redevelopment of The Haven and Rookstone House to provide 46 residential units comprising 27 x 4 bedroom houses, 7 x 1 bedroom flats, 6 x 2 Bedroom flats and 6 x 3 bedroom flats, together with 71 car parking spaces, cycle parking provision, refuse and recycling provision, a relocated vehicular access to Springfield Road and landscaping and associated works, approved under reference 14/03991/FULL1 in 2014.

The site of this development is to the adjoining south east boundary of the site. This development is currently under construction and nearing completion at the time of writing.

Considerations

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

- Resubmission
- Principle
- Design
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- Trees
- Other (drainage/flooding/noise/pollution)
- CIL

Resubmission

The application is the third submission for the site as detailed in the planning history above. A number of changes have been made to the design of the building. These have been detailed in the accompanying Design and Access Statement and are outlined as follows:

- The building within the new scheme is set back 1m from the Mayne Court Boundary and its width is reduced from 10.1m to 9.8m.
- The length of the building with this new scheme is 21.5m, reduced from 25.2m in the previously proposed scheme (17/05106/FULL1)
- Site density has been reduced from 20 habitable rooms to 15 habitable rooms

- Rear communal area has been increased.
- The flank elevations have been redesigned by reducing the number of windows.
- All habitable rooms provided with front or rear openings.

Principle

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.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. 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.

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.

Policies including 3.3 of The London Plan 2016, H1 of the UDP 2006 and Draft Policy 1 have the same objectives. The London Plan's minimum target for Bromley is to deliver 641 new homes per year until 2025.

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 replacement residential scheme with a greater number of units on the land as opposed to a single dwelling appears acceptable in

principle subject to an assessment of the impact of the proposal achieving a housing density compatible with local context, 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 3 and is within a suburban setting. In accordance with Table 3.2, the recommended density range for the site would be 50-95 dwellings per hectare or between 150-250 habitable rooms per hectare. The proposed development would have a density of 116 dwellings per hectare and 218 habitable rooms per hectare

Therefore, the proposed development of the site would be within the suggested range for the number of habitable rooms provided in relation to the unit mix. However, in terms of unit numbers, the number of units would be marginally above the suggested range. 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.

The public realm is also an important aspect of any development as it ensures that the development is integrated into and enhances the existing character and use of the area. All residential and commercial development is required by policy to contribute towards good design which extends to the consideration of the public realm (London Plan Policy 7.5).

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.

It is noted that the height of the proposal remains reduced by 1 storey following refusal of the first planning application 17/01181/FULL1. The development therefore sits at the same height as the adjacent block at Mayne Court and has been set back from the position of the front building line of the existing dwelling by 5.6m. The resultant height would harmonise with the character of the streetscene,

and the proposal in this respect would appear as an accordant feature of the building and in the context of surrounding development.

Spatial separation has been improved immediately adjacent to Mayne Court to 1.02m distance with the separation of the rear section of the building from the flank boundary being further increased to 2m from previously 0.5m. Coupled with the reduction of the depth of the building to the rear, reduction in front siting position which is 5.68m less than the existing dwelling and the increased boundary separation the impacts of the siting, depth and forward projection of the building in relation to Mayne Court are considered to have been overcome from previous applications.

In relation to the Haven development currently under construction, a number of concerns have been highlighted by the developer. A distance of 11m increasing to 13m is indicated from the rear section of the south east flank of the building to the closest point of the first house in the development. Trees within the Haven are located along this boundary and while being deciduous will maintain a relief to outlook for future occupiers. Given the acceptable spatial separation and reduced depth the proposed building is not considered to be overbearing in this direction.

Revised elevation designs have also resulted in less prominent elevations facing Sydenham Avenue and Crystal Palace Park Road. The flank elevations have been redesigned by reducing the number of windows and by providing design relief through the use of materials and detailing to result in visually harmonious elevations within the context of the streetscene and locality.

In terms of the general design approach, Paragraph 7.21 of the London Plan states that architecture should contribute to the creation of a cohesive built environment that enhances the experience of living, working or visiting in the city. This is often best achieved by ensuring new buildings reference, but not necessarily replicate, the scale, mass and detail of the predominant built form surrounding them, and by using the highest quality materials. Contemporary architecture is encouraged, but it should be respectful and sympathetic to the other architectural styles that have preceded it in the locality.

The clean and simple styling of the proposal would be an appropriate design response to the mixed character of the neighbouring sites. Subject to additional landscaping, it could appear as a subtle addition to the streetscene. On balance, it is considered that the individual design approach of the building is a high quality design that will make a positive contribution to the streetscene and wider locality in this respect.

Policy BE13 also 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 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 considered that the setting and significance of the heritage assets (Crystal Palace Park) would be preserved.

Furthermore, the due to the acceptable design of the development, the minor level of excess density is considered to be in context with the locality and can now be supported at this location.

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 Governments 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.

A Part M compliance statement has been submitted that details compliance with this criteria.

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 units ranges between 43m² and 88m² respectively. The nationally described space standards require a GIA of 70m² for a two bedroom four person unit, 50m² for a one bedroom two person unit and 37/39m² for a studio style one person unit in relation to the number of persons, floors and bedrooms mix. 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 units where none of the rooms would have a particularly convoluted shape which would limit their specific use.

In terms of amenity space a mix of private and communal spaces are provided and are of a depth and width of sufficient proportion to provide a usable space for the purposes of each unit type. Furthermore the site is located directly Crystal Palace Park with its wide open spaces which provides a further recreational zone.

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 objection to the level of parking provided off road at the site and the access onto Crystal Palace Park Road. It is therefore considered that there will be minimal impact on parking in the vicinity and the proposal is considered generally acceptable from a highways perspective.

Cycle parking

Cycle parking is required to be 2 spaces for dwellinghouses as proposed. The applicant has provided details of a location for cycle storage within the rear garden area. A planning condition is recommended in this regard for further details to ensure the storage is secure and lockable as necessary.

Refuse

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of a refuse storage area and its design adjacent to the front entrance to the building. A planning condition is recommended in this regard to ensure compliance and implementation prior to occupation.

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 the last planning application the depth and the design of the flank elevations were deemed to have a harmful impact on the amenities of neighbouring occupiers. As detailed above the depth of the building has been reduced and flank walls set in further from the boundaries. Windows have been reduced and obscure glazing introduced to remaining proposed windows up to 1.7m above finished floor level and full height to Flat 2 on the south east flank elevation facing The Haven development. Although not indicated on plan to the north west elevation facing

Mayne Court a similar arrangement can be incorporated and ensured by a suitable planning condition.

The buildings south east elevation will sit approximately 11m increasing to 13m facing distance to the rear elevation of The Haven development to the east of the site. Habitable windows that previously in the last scheme directly faced each other have been removed in this scheme with windows moved forward in the elevation and obscure glazed. The siting of the windows in the flank elevations now predominantly overlooks areas of public realm at upper levels. Obscure glazing to the sides of front balconies will also address any potential overlooking which is mostly to the public realm.

The proposal would sit approximately 30.5m to the dwellings at the rear of the site. Although this is a worse situation than currently exists, it is considered to be a sufficient rear facing distance, particularly given the landscaping to the rear of the site. This could be enhanced by conditioning a landscaping scheme to show additional planting.

On balance and with the appropriate compliance condition these changes ensure that the potential for overlooking into adjacent sites has been sufficiently mitigated in the revised design.

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.

An informative is recommended with any approval to ensure that the development strives to achieve these objectives.

Trees

Policy NE7 states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.

A basic landscaping layout has been submitted as shown on the proposed landscaping plan that details the areas given over to landscaping. The Council's Arboricultural Officer has reviewed the scheme and not raised any objections in this respect subject to further details being sought via a landscaping plan. It is also recommended that as regards the trees adjacent to the south east flank boundary outside the site an arboricultural survey and tree protection method is obtained by planning condition.

CIL

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

Conclusion

The development 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 house type of the proposed scheme is acceptable on balance 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) 18/01228/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: To comply with 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 UDP and in the interests of visual and residential amenity.

- 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 use of native plant species where possible, details of all boundary treatment, 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. Furthermore all boundary treatments shall be maintained in perpetuity.

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

- 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** The development permitted by this planning permission shall not commence until a surface water drainage scheme, details of general drainage works for the site and prevention of the discharge of surface water from private land on to the highway 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.

- 7** No demolition, site clearance or building works shall be undertaken, and no equipment, plant, machinery or materials for the purposes of

development shall be taken onto the site until an arboricultural method statement detailing the measures to be taken to construct the development and protect trees within and adjacent to the site is submitted to and approved in writing by the Local Planning Authority.

The statement shall include details of:

- (a) Type and siting of protective fencing, and maintenance of protective fencing for the duration of project;
- (b) Type and siting of scaffolding (if required);
- (c) Details of the method and timing of demolition, site clearance and building works
- (d) Depth, extent and means of excavation of foundations and details of method of construction of new foundations
- (e) Location of site facilities (if required), and location of storage areas for materials, structures, machinery, equipment or spoil, and mixing of cement or concrete;
- (f) Location of bonfire site (if required);
- (g) Details of the location of underground services avoiding locating them within the protected zone
- (h) Details of the method to be used for the removal of existing hard surfacing within the protected zone
- (i) Details of the nature and installation of any new surfacing within the protected zone
- (j) Methods proposed for the watering of the trees during the course of the project.

The method statement shall be implemented according to the details contained therein until completion of building works, and all plant, machinery or materials for the purposes of development have been removed from the site.

Reason: To ensure that all existing trees to be retained are adequately protected and to comply with Policy NE7 of the Unitary Development Plan.

- 8 No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-

- (a) Dust mitigation measures.
- (b) The location and operation of plant and wheel washing facilities
- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
- (e) Construction hours of operation.
- (f) Full contact details of the site and project manager responsible for day to day management of the works.

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply Policy T5, T6, T7, T15, T16 and T18 of the Unitary Development Plan and Policy 5.3 of the London Plan.

- 9** Notwithstanding the plans hereby approved, before the development hereby permitted is first occupied, a schedule detailing the windows to be obscure glazed in both flank elevations of the building shall be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained as such.

Reason: In order to comply with Policy BE1 and H7 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 10** Before the access hereby permitted is first used by vehicles, it shall be provided with 3.3m x 2.4m x 3.3m visibility splays and there shall be no obstruction to visibility in excess of 1m in height within these splays except for trees selected by the Local Planning Authority and which shall be permanently retained thereafter.

Reason: In order to comply with Policy T18 of the Unitary Development Plan and in the interest of pedestrian and vehicular safety.

- 11** 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.

- 12** The arrangements for storage of refuse (which shall include provision for the storage and collection of recyclable materials) and the means of enclosure shown on the approved drawings 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.

- 13** 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.

- 14 An electric car charging point shall be provided to a minimum of 20% of car parking spaces with passive provision of electric charging capacity provided to an additional 20% of spaces.**

Reason: To minimise the effect of the development on local air quality within an Air Quality Management Area to accord with Policies 6.13 and 7.14 of the London Plan.

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

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

- 16 No additional windows shall at any time be inserted in the flank elevations of all of the detached houses hereby permitted without the prior approval in writing of the Local Planning Authority.**

Reason: In order to comply with Policy BE1 and H7 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 17 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** You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.
- 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** 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.
- 9** 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.