

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 15/05617/FULL1

**Ward:**  
**Crystal Palace**

**Address :** 122 Anerley Road Penge London SE20 8DL

**OS Grid Ref:** E: 534194 N: 170231

**Applicant :** Mr N De Souza

**Objections : YES**

### **Description of Development:**

Demolition of existing building and construction of a mixed use part four and five storey building comprising a commercial unit (Use Class A1) at ground and lower ground level together with 4 one bedroom and 3 two bedroom flats with associated amenity spaces.

Key designations:

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

### **Proposal**

Planning permission is sought for Demolition of existing building and construction of a mixed use part four and five storey building comprising a commercial unit (Use Class A1) at ground and lower ground level together with 4 one bedroom and 3 two bedroom flats with associated amenity spaces.

Location

The application site is located at 122 Anerley Road to the east of the railway line. The current building is two storeys in height. The site is around 0.0188 hectares in area.

### **Consultations**

At the time of writing there have been no objections to the proposal.

There have been letters of support

### **Trees**

The proposal will fit within almost the entirety of the site. There are no significant trees remaining within or surrounding the application site. In this instance I have no objections to the proposal and would therefore not recommend any conditions are applied in the event planning permission is granted.

### Environmental Health - Pollution:

Further to the updated noise report it finds very high noise levels on the front façade during both the day and night, considerably higher than the railway noise affecting the North Western elevation. The proposed sound insulation measures can still achieve good internal levels although this is essentially by creating acoustically sealed spaces which is increasingly being recognised as poor acoustic design. The front flats on the 1st and 2nd floors have no access to a relatively quiet façade and could not open any windows and still expect a decent standard of amenity internally (mechanical ventilation is provided). The 3rd floor flat at least has access to front and rear so has one relatively quieter facade. If you are minded to grant permission in this circumstance adherence to the specified noise controls could be covered by the condition below:

- o Details of a scheme of noise mitigation measures in full compliance with recommendations of the submitted acoustic report (Peter Moore Acoustics report reference 151002/2 of 1st March 2016) shall be submitted to the Local Planning Authority for written approval. Once approved the scheme shall be implemented in full prior to the use commencing and permanently maintained thereafter.

In respect of the balconies terraces I would agree that if a noise level of below 55dB cannot be achieved this should not necessarily be a bar to the development and in terms of residential amenity it is still more desirable to have balconies than exclude them on noise grounds. However I do think there are further design options available to 'mitigate and reduce to a minimum' the adverse impacts as far as possible in line with NPPF p.123. We have at other sites agreed with the developer to use solid and imperforate balustrades and Class A acoustic absorption applied to the balcony undersides soffits. This would achieve a small reduction in noise level on the balcony and also help somewhat with internal noise levels when the relevant windows are open. A condition below could cover this:

- o A scheme for protecting the proposed balconies and terraces from traffic noise (which shall include imperforate balustrade screens and Class A absorption on the balcony soffits) shall be submitted to and approved in writing by or on behalf of the Local Planning Authority before development commences and the scheme shall be fully implemented before any of the dwellings are occupied and permanently maintained as such thereafter.

Alternatively another acoustically better but possibly more complicated option is to enclose balconies and terraces by sliding glass panels (known as 'winter gardens'). Both options are also mentioned in the (currently draft) CIEH IOA ANC Professional Practice Guidance for Planning and Noise.

In my opinion some further consideration of acoustic design is justified by Planning Policy in this case.

### Highways:

The site is located in an area with PTAL rate of 5 (on a scale of 1 - 6, where 6 is the most accessible).

There is a correlation of car ownership and type of dwelling people reside; this suggests that not all occupiers will own car(s). However as no car parking would be provided for the residential units, which is regrettable.

The applicant has conducted on-street parking beat surveys provide a true indication of the levels of parking availability within the survey area. On Wednesday 4th November 2015 there was a total overnight parking demand of 171 vehicles within a 200 metre radius of the site. This survey beat identified that there was potential on-street parking provision of 255 spaces, with 84 spaces available. This represents a parking 'stress' of 67.1%. Similarly on Friday 6th November 2015 there was a total overnight parking demand of 167 vehicles within a 200 metre radius of the site. This survey beat identified that there was potential on-street parking provision of 256 spaces, with 89 spaces available. This represents a parking 'stress' of 65.2%. Taking into account the available kerb space, excluding single yellow lined areas, the average parking stress across the two surveys was 66.2%.

The applicant should be encouraged to provide ten secure cycle parking spaces within the site's curtilage for the occupier of the development.

#### Environmental Health - Housing:

The applicant is advised to have regard to the Housing Act 1985's statutory space standards contained within Part X of the Act and the Housing Act 2004's housing standards contained within the Housing Health and Safety Rating System under Part 1 of the Act.

#### Network Rail

Have no objections subject to their standard comments

### **Planning Considerations**

London Plan (2015)

- 3.3 Increasing Housing Supply.
- 3.4 Optimising Housing Potential
- 3.5 Quality and design of housing developments
- 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
- 5.9 Overheating and cooling
- 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
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- 8.3 Community Infrastructure Levy

London Plan Supplementary Planning Guidance (SPG)

Housing: Supplementary Planning Guidance. (November 2012)

Draft Interim Housing Supplementary planning guidance (May 2015)

The application falls to be determined in accordance with the following policies of the Unitary Development Plan

- BE1 Design of New Development
- BE4 The Public Realm
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- EMP3 Conversion or redevelopment of Offices
- ER7 Contaminated Land
- ER10 Light pollution
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T5 Access for People with Restricted Mobility
- T6 Pedestrians
- T7 Cyclists
- T16 Traffic Management and Sensitive Environments
- T18 Road Safety

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

SPG No.1 - General Design Principles  
SPG No.2 - Residential Design Guidance

## **Planning History**

There is no relevant planning history.

## **Conclusions**

The main issues relating to the application are the principle of the development and the effect that a residential development would have on the character of the locality, visual amenity, car parking level and the impact the scheme would have on the amenities of nearby properties.

### Principle of development

#### Density

The density of the proposal would be around 372 units per hectare (u/ha). Table 3.2 of the London Plan sets out the appropriate density range for a site with a PTAL of 5.

The location is sustainable and a higher number of units may be acceptable and of a similar nature to existing nearby units

### Scale of the building

Policies 3.4 and 3.5 of the Further Alterations to the London Plan (March 2015) (FALP) 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 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.

A Part four /three storey building is similar in height to its neighbour to the South East.

#### Standard of accommodation and internal layout.

Policy 3.5 of the London Plan (2015) Quality and Design of Housing Developments 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.

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

Table 3.3 of the London Plan requires a Gross Internal Area of 61m<sup>2</sup> for a two bedroom and 50m<sup>2</sup> for a one bedroom unit. On this basis the floorspace provision is considered to be acceptable.

The shape and room size in the proposed units is considered satisfactory. None of the rooms would have a particularly convoluted shape which would limit their specific use.

#### Amenity space

Balconies and terraces have been provided and subject to conditions relating to noise issues this appears to be acceptable.

#### Impact on Adjoining Properties

Policy BE1 of the Unitary Development Plan states that development should respect the amenity of occupiers of neighbouring buildings and ensure they are not harmed by noise disturbance, inadequate daylight, sunlight, and privacy or overshadowing.

On balance, the orientation and angles of windows are not considered to cause as significant level of overlooking or loss of privacy.

#### Car Parking and Access

There is no parking provision.

The Council's Highways Officer has not raised objection to the type and form of provision given the proximity to transport links. Therefore, due to the acceptable level of impact of the development on parking issues in the vicinity it is considered that the proposal would be in accordance with UDP Policy T3 and Policy 6.13 of the London Plan (2011).

## Community Infrastructure Levy

The Mayor of London's CIL is a material consideration. CIL is liable on reserved matters applications following application granted outline permission.

### **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 appearance of the building and the visual amenities of the area.

- 3        Details of a scheme of noise mitigation measures in full compliance with recommendations of the submitted acoustic report (Peter Moore Acoustics report reference 151002/2 of 1st March 2016) shall be submitted to the Local Planning Authority for written approval. Once approved the scheme shall be implemented in full prior to the use commencing and permanently maintained thereafter.**

**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        A scheme for protecting the proposed balconies and terraces from traffic noise (which shall include imperforate balustrade screens and Class A absorption on the balcony soffits) shall be submitted to and approved in writing by or on behalf of the Local Planning Authority before development commences and the scheme shall be fully implemented before any of the dwellings are occupied and permanently maintained as such thereafter**

**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.

- 5        Details of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local**

**Planning Authority before any work is commenced. The works 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

- 6 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.