

SECTION '2' – Applications meriting special consideration

Application No : 16/01297/FULL1

Ward:
Crystal Palace

Address : 69 - 71 Church Road, Anerley, London
SE19 2TA

OS Grid Ref: E: 533577 N: 170501

Applicant : Ms Saroj Morjaria

Objections : YES

Description of Development:

The demolition of the existing retail and rear residential units, and the building of a new taller infill structure reinstating the existing shop and rear residential unit, whilst introducing a new part 4, part 3, storey residential block incorporating 7 x self-contained flats, accommodating 2 x 3 bedroom, 3 x 1 bedroom and 2 x 2 bedroom flats with internal and external alterations and demolitions.

Key designations:

Conservation Area: Belvedere Road
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 6

Proposal

The site fronts Church Road, Anerley and is located on the east side of this one-way street, within Belvedere Road Conservation Area and adjacent to locally listed buildings. The Borough boundary with Croydon is to the opposite side of the street; the wider town centre borders with Lambeth and Southwark. The site is located within a mixed commercial/residential environment and currently offers retail/office use to the ground floor with flatted accommodation to the upper and lower floors. There is a workshop to the rear of the site which is used for furniture making (retailing some of the goods in the shop to the front of the site). The levels fall away steeply to the rear of the site.

This application proposes the demolition of the existing retail and rear residential units, and the building of a new taller infill structure reinstating the existing shop and rear residential unit, whilst introducing a new part 4, part 3, storey residential block incorporating 7 x self-contained flats (2 x 3 bedroom, 3 x 2 bedroom and 2 x 1 bedroom flats).

Supporting documentation advises that the existing vehicular access will be retained and lead to the rear of the site and the existing commercial building. Communal amenity space will be created to the rear of the site. It also advises that the proposed front elevation is staggered to create a transition between the 5 storey terraces to the north and the 3 storey terraces to the south and set back in plan to follow the curve of the street. The use of different materials on each set

back help to break up the mass and scale of the elevation and create transition from the render building to the south and the brick terraces to the north. Proposed materials include facing London Stock Bricks, white render, translucent glass panels and corten steel cladding (the top floor is proposed as translucent glass).

It also advises that the side elevation steps in to allow for the adjoining windows of non-habitable rooms.

A1 (retail) commercial use is proposed to be retained to the part ground floor. It is understood the site has been historically used in connection with the repair of tractors for export.

Consultations

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

- Query re extent of neighbour notification
- Loss of privacy by way of large windows and roof terrace - other domestic properties have domestic sized windows
- Loss of light/sunlight - impact on well-being and incur greater heating/lighting costs
- Height of building and design not in keeping
- Impact on last remaining part of Great North Woods - have preservation society been contacted and is there a right of way?
- Previous application refused
- Blind spot for vehicles entering and leaving the site
- Create traffic congestion
- Turning on site will be very tight
- Has Croydon been notified?
- Affect maintenance of 67 Church Road
- Outlook and light from window (kitchen area) to Flat B 73-75 Church Road would be lost
- Seems an appropriate scheme for the site but high quality materials must be used
- Loss of green views through the site

Additional comments were received in response to revised plans received 22/7/16 and are summarised below:

- Same objections stand
- Affect level of light
- Impact on privacy - will allow direct views into bedrooms and bathrooms in roof f 58, 60, 62 and 64. Will also impact on 73,75,and 77 as flat 6 will allow direct views into side and back windows
- Size of windows allow greater overlooking
- Size, mass and height of building will impact on lighting, privacy and outlook of neighbours
- Height is a discordant alteration

- Impact on Highway safety and layout does not give priority to pedestrians
- Concerns with workshop at rear and traffic to and from this
- Emergency vehicle access to rear of building will be impeded by restricted height
- Adjacent to last remaining part of North Woods
- Site not currently vacant - used for furniture construction and sales, employing two people
- Not in line with policy
- Site previously used for tractor renovation and sales - land contamination issues
- Will have a material impact on business at No 60
- Letters from Council not franked

London Borough of Croydon raise objection to the proposed design which they consider would be out of character with the Conservation Area and would not respect or improve the existing pattern of buildings and the spaces between them, nor maximise the opportunities for creating an attractive and interesting environment.

APCA consider that a new building on this site would enhance that area of Church Road but raise objection to the design which they consider is not sympathetic to the neighbouring buildings i.e. the brickwork colour needs to be stock stone not red brick and fenestration could be improved.

Conservation comments consider that the current proposal is much improved from original iterations of the design and subject to a materials condition consider that the proposal would preserve the character and appearance of the Conservation Area.

No objections are raised by Thames Water in respect of water or sewerage infrastructure capacity. Informatives are proposed in the event of a planning permission.

No objection is raised by Drainage and conditions are suggested in the event of a planning permission.

Highways comments note that the site is located to the east of Church Road and within a high PTAL (6a) area. Comments note that the absence of parking provision is regrettable but on balance given the proximity to public transport links and local shops no objections are raised. Cycle parking must be provided.

Environmental Health (Housing) comments are received in respect of revised plans received. Concerns are raised in respect of the adjacent six storey end of terrace residential building. The proposed development will obstruct the natural light and remove any outlook to the flank windows which could render some of the rooms being served by these windows uninhabitable.

Additionally, concerns are raised in that the ambient noise level in this location may require a specialist glazing requirement in order to achieve a reasonable internal sound level in the proposed flats. EHO recommend that an acoustic assessment is

necessary to determine ambient noise level at this location and to inform necessary glazing specification to meet BS8233 'good' noise standards internally.

Revised plans received are annotated that all glazing will be specified to meet BS8233 'good' noise standards internally.

Planning Considerations

The application falls to be determined in accordance with the NPPF, the London Plan and the following policies of the Unitary Development Plan:

- BE1 Design of New Development
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- T1 Transport Demand
- T3 Parking
- T5 Access for people with restricted mobility
- T7 Cyclists
- T16 Traffic management and sensitive environments
- T18 Road Safety
- BE7 Railings, Boundary Walls and other means of enclosure.
- BE8 Historic Buildings
- BE11 Conservation Areas
- BE14 Trees in Conservation Areas
- EMP5 Development Outside Business Areas
- Policy NE7 - Development and Trees
- IMP1 Planning Obligations
- SPG 1 - General Design Principles
- SPG 2 - Residential Design Guidance

- Belvedere Road Conservation Area SPG

London Plan (2015)

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Design and Quality of Housing Developments
- 3.8 Housing Choice
- 5.1 Climate Change
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 6.9 Cycling
- 6.13 Parking
- 7.4 Local Character
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology

Adoption of Minor Alterations to London Plan (MALP) and Housing SPG (2016)

The planning history includes planning permission reference 83/01072 for the conversion into two residential units, roof dormer and rear conservatory.

Conclusions

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 existing building and conservation area
- Impact on the amenity of neighbouring properties
- The quality of living conditions for future occupiers
- Highways and traffic Issues

Principle of development

The site, located with Belvedere Road Conservation Area, is within a mixed commercial/residential environment and currently offers retail/office use to the ground floor with flatted accommodation to the upper and lower floors. There is a workshop to the rear of the site which is used for furniture making and which will be retained as part of the proposal, and retail (A1) at ground floor is included as part of the proposed scheme.

The site constraints do not preclude development and therefore, in principle, the development is acceptable subject to compliance with other policies as assessed below.

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan (2015) generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

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

Housing Supply

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.

At the time of writing a recent appeal decision has indicated that the Council does not have an adequate five year Housing Land Supply. The absence of a five year housing land supply means in brief that under the NPPF paragraph 49 the Council should regard relevant development plan policies affecting the supply of housing as 'out of date'. This does not mean that 'out of date' policies should be given no weight or any specific amount of weight. In this case the following sections of the assessment of this application will be given appropriate weight in the consideration of the scheme. The Planning Inspector commented on the previous scheme that even if the Council could not demonstrate a five year housing land supply, the adverse impact of the proposal on the character and appearance of the area would significantly and demonstrably outweigh the benefits. Substantial weight is given in this respect in the determination of this application.

Design and Appearance

Policy BE1 and the Council's Supplementary design guidance seek to ensure that new development is of a high quality design that respects the scale, form, layout and materials of adjacent buildings and areas. This includes consideration of gaps between dwellings, when they contribute to the character of the area. The design principle of attaching to the adjacent building may not be considered unacceptable, given the context, in this particular instance.

Policy BE11 states that in order to preserve or enhance the character or appearance of conservation areas, a proposal for new development, for engineering works, alteration or extension to a building, or for change of use of land or buildings within a conservation area will be expected to respect or complement the layout, scale, form and materials of existing buildings and spaces; respect and incorporate in the design existing landscape or other features that contribute to the character, appearance or historic value of the area; and ensure that the level of activity, traffic, parking services or noise generated by the proposal will not detract from the character or appearance of the area.

Policy H7 requires that 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.

The Belvedere Road SPG advises that the character of Belvedere Road Conservation Area is one that is derived from harmonious diversity: seldom are any neighbouring buildings identical. The designs and materials employed vary throughout the area, which contains a mixture of densely developed terraces and spaciouly laid out detached and semi detached properties.

London Plan Policy 7.4 advises that development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area.

London Plan Policy 7.6 advises 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. All buildings should help create streets and places that are human in scale so that their proportion and composition enhances, activates and appropriately encloses the public realm, as well as allowing them to be easily understood, enjoyed and kept secured. The building form and layout should have regard to the density and character of the surrounding development and should not prejudice the development opportunities of surrounding sites.

London Plan Policy 7.8 advises that heritage assets such as conservation areas make a significant contribution to local character and should be protected from inappropriate development that is not sympathetic in terms of scale, materials, details and form. Development that affects the setting of heritage assets should be of the highest quality of architecture and design, and respond positively to local context and character.

Objections have been received from local residents raising concern with the height and design of the proposal. APCA have raised design concerns with fenestration and materials and LB Croydon considered that the scheme would be out of character with the Conservation Area and would not respect or improve the existing pattern of buildings and the spaces between them, nor maximise the opportunities for creating an attractive and interesting environment.

Local support for the design has been received subject to the use of quality materials and the Conservation Officer comments raise no objection to the scheme.

When considering the design approach of redevelopment in this location it is acknowledged that the different building lines and heights and heritage status present a particular challenge for this site. The design approach is contemporary and has sought to take local reference of materials within its finished façade. Given the sensitivities of the site (in a Conservation Area and adjacent locally listed buildings) the use of high quality materials for the external surfaces of the building is important; Red Stock and London Stock with some render is in context of the wider street scene. Samples should be provided in the event of a planning permission.

In the event the scheme is found to be acceptable a materials condition will be imposed. The design presents a staggered approach to the height which in officer view provides a good solution to provide a link development between the two disparate heights of surrounding buildings. The front building line is also layered which serves the purpose of stepping back from neighbouring windows and preventing a building mass which would likely present an overbearing form of development. The verticality of fenestration references that found in the terrace to the north of the site.

To the street level individual shop fronts have been included in the design which reflect the character and context of those found to the south of the site and ensure the proposal creates a sense of place human in scale and an active frontage which can be easily understood and enjoyed within that context.

From comments received it is clear that the design approach invokes differences of opinion. Policy considerations require that new buildings should reference, but not necessarily replicate, the scale, mass and detail of the predominant built form surrounding them, and should use the highest quality materials. Contemporary architecture is encouraged where it is respectful and sympathetic to the other architectural styles that have preceded it in the locality. Policy requires that heritage assets such as conservation areas should be protected from inappropriate development and that development that affects the setting of heritage assets should be of the highest quality of architecture and design, and respond positively to local context and character.

The site sits on the edge of the Conservation Area and the buildings to which the proposal hopes to link to at Nos 65-67 sit outside of and adjacent to the Conservation Area. Given policy requirements, officer view is that the contemporary approach is not inappropriate for this location and the design approach relates well to its context.

Impact on the amenities of neighbouring 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.

A number of local objections have been received in respect of overlooking from the windows and balconies and loss of light. Given the suburban location it is

considered that a suitable level of privacy will be maintained (to the front and rear of the site) at the intended distances to existing nearby property.

Clarification has been received that flank windows to Nos 65-67 serve bathrooms and toilets and all the windows are obscure glazed. The design pulls the proposed development away from the flank windows but will result in enclosure, probably not dissimilar to a lightwell effect.

Development will project beyond the rear building line of adjacent property at Nos 73-75 but given the limited extent of projection, the open aspect and that Nos 73-75 are to the south of the proposal it is not considered that the impacts will be so great as to raise planning concern.

Overall there will be some impact on neighbouring amenity from the scheme but it is considered that there will not be such significant impact in respect of overlooking, enclosing effect and loss of light as to warrant a planning ground of refusal.

Quality of living conditions for future occupiers

Policy 3.5 of the London Plan 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 3.8 of the London Plan includes requirement for accessible and adaptable dwellings.

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

Supporting information sets out the floor space of the proposed flats as: Flat 1 (3B5P) - 96.5m²; Flat 2 (1B2P) - 51m²; Flat 3 (2B3P) - 62m²; Flat 4 (1B2P) - 51m²; Flat 5 (2B3P) - 62m²; Flat 6 (3B5P) - 96m²; Flat 7 (2B3P) - 61m².

With regard to the above it appears that the size of the flat for its intended occupancy would comply with the minimum standards contained in the London Plan unit size standards. On balance this is considered acceptable.

Limited communal amenity area has been provided with the addition of private area to the ground floor flat and private terrace to flat 6. Given this and the proximity of nearby parks the proposed amenity area may not be considered unacceptable in this particular instance.

Submitted plans indicate provision for a lift within the layout; in the event of a planning permission conditions are suggested for the housing to meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings'.

There is an existing workshop to the rear of the site which currently operates alongside existing residential. The application advises that the opening hours of the workshop are Monday - Friday 8.30am to 6.30pm and Saturdays 8.30am - 1.30pm.

In the interest of neighbouring amenity, and in the event of a planning permission, an hours of operation condition is suggested.

Highways and traffic issues

Local concerns are received in that the entrance/exit is a blind spot for vehicles and the site will become congested with tight turning provision on site. The applicants have advised that the workshop will remain to the rear and operate as existing.

The site is located in an area with high PTAL rate of 6a (on a scale of 1 - 6, where 6 is the most accessible). There will be no on-site parking provision but Highway concerns are not raised in respect of the proposal. Cycle parking should be provided on site and in the event of a permission conditions restricting access to residents parking permits should be considered.

Refuse storage is indicated within the plans and is located just to the side of the undercroft accessway.

Sustainability

Limited information has been supplied in this regard except to indicate a range of energy efficiency measures will be incorporated into the construction. However, further information is not mandatory for this type of small development.

Mayoral CIL will apply to the development.

Summary

Members may consider that the principle of development is acceptable in this location and it is for careful consideration as to the acceptability of the design approach proposed. Given policy considerations and matters as discussed above, on balance, Members may consider the proposal acceptable.

as amended by documents received on 22.07.2016 31.08.2016 06.09.2016

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 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

- 4** No part of the development hereby permitted shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to and approved in writing by the Local Planning Authority.

- a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval in writing. The desk study shall detail the history of the sites uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved in writing by the Local Planning Authority prior to investigations commencing on site.

- b) The site investigation, including relevant soil, soil gas, surface water and groundwater sampling shall be approved in writing by the Local Planning Authority.

- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors, a proposed remediation strategy and a quality assurance scheme regarding implementation of remedial works, and no remediation works shall commence on site prior to approval of these matters in writing by the Authority. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment.

- d) The approved remediation works shall be carried out in full on site in accordance with the approved quality assurance scheme to demonstrate compliance with the proposed methodology and best practise guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.

- e) Upon completion of the works, a closure report shall be submitted to and approved in writing by the Authority. The closure report shall include details of the remediation works carried out, (including of waste materials removed from the site), the quality assurance certificates and details of post-remediation sampling.

- f) The contaminated land assessment, site investigation (including report), remediation works and closure report shall all be carried out by contractor(s) approved in writing by the Local Planning Authority.

Reason: In order to comply with Policy ER7 of the Unitary Development Plan and to prevent harm to human health and pollution of the environment.

- 5** The development permitted by this planning permission shall not commence until 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 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.

To reduce the impact of flooding both to and from the proposed development and third Parties

- 6** 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.

- 7** 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.

- 8** Details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced. The approved scheme shall be self-certified to accord with BS 5489 - 1:2003 and be implemented before the development is first occupied and the lighting shall be permanently retained thereafter.

Reason: In order to comply with Policy T3 and Appendix II of the Unitary Development Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.

- 9** 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.

10 Before the development hereby permitted is occupied arrangements shall be agreed in writing with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in the vicinity of the site at any time.

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.

11 The use shall not operate on any Sunday or Bank Holiday Xmas Day or Good Friday nor before 8.30am nor after 6.30pm Monday to Fridays and not before 8.30am nor after 1.30pm on Saturdays.

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

12 No structure, plant, equipment or machinery shall be placed erected or installed on or above the roof or on external walls without the prior approval 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.

13 The proposed new housing should meet Part M4 (2) 'accessible and adaptable dwellings'. The requirements should be met and completed before any part of the development hereby permitted is first occupied and shall be permanently maintained thereafter.

In order to comply with London Plan Policy 3.8 and in the interest of amenities for future occupiers

You are further informed that :

1 In the absence of a site specific noise assessment the sound insulation rating of these units should be 34dB Rw or better. This can be achieved using 10/12/6mm or equivalent glazing systems when closed and with no trickle vents. Alternatively equivalently rated secondary glazing systems would be sufficient if the original windows are to be retained. To ensure adequate ventilation when windows are closed, mechanical ventilation (MVHR) systems (or equivalent alternatives) are required