

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 17/02479/FULL1

Ward:
Crystal Palace

Address : Land Rear Of 120A Anerley Road,
Penge, London

OS Grid Ref: E: 534156 N: 170253

Applicant : Mr Raj Shah

Objections : YES

Description of Development:

Erection of 2 no. part two/part three storey buildings with basement on land to the rear of No. 120a Anerley Road to provide 9 flats (8 x two bedroom and 1 x one bedroom) with associated amenity space, landscaping, refuse, recycling and cycle storage.

Key designations:

Smoke Control SCA 6
Belvedere Road Conservation Area
Adjacent to Conservation Area

Proposal

It is proposed to erect two separate blocks of residential flats. Block 1 would be sited in close proximity to the eastern boundary of the site with the railway embankment. The eastern elevation of the block would be 3 storeys in height, with floor levels staggered to address the topography of the site with the front section of the building comprising an upper ground floor level, first floor and second floor and the rear section of the building being formed of a lower ground floor, first floor and second floor. The eastern elevation of the building would be parallel to the eastern boundary with the railway land, with a separation at lower ground and upper ground level to the boundary of approx. 1m. The height of the main building would be 7m towards the front of the site, with a maximum overall height of the building being approx. 10m towards the centre of the building, taking into account the gradient of the site. The rear elevation of Block 1, which is set at an angle to the dwellings fronting Maberley Road, would be approx. 7m high.

In terms of amenity space, a shallow terrace would be provided at lower ground and upper ground levels, running in front of the eastern elevation of flats 1 and 2. This terrace would face directly towards the eastern charcoal brick wall boundary treatment which is shown to incorporate transparent panels looking onto the railway. The terrace to flat 1, which is set to the rear of the building, would also include a triangular space wrapping around the south eastern corner of the building. The first floor flats would each incorporate an overhanging balcony which would project above the ground floor terrace and beyond the ground floor windows

below. At second floor level the northern flat (Flat 6) would incorporate a broadly triangular terrace enclosed by the side/front walls of the building below. The southern flat (Flat 5) would have a larger roof terrace sited above the two storey rearmost flat in the block (Flat 7).

A separate two storey residential flat is proposed to be provided immediately adjacent to the flank boundary of the site with the rear gardens of dwellings fronting Hamlet Road. Block 2 would have a flat roof and would be 3m high with a single storey appearance when viewed from the rear of Hamlet Road, and would be 4.2 - 5.8m high as measured from the internal courtyard between the buildings. A separation of approx. 3.5m would be provided at the closest point between Blocks 1 and 2. Block 2 would provide 2 two bedroom flats, with the lower ground floor level being single aspect, facing towards the communal courtyard which includes the pedestrian entrances to Block 1. In terms of amenity space for occupants, the lower ground floor flat would have a terrace between the south eastern elevation of the building and the communal terraced gardens which are proposed to be provided between the blocks. The ground/first floor flat would have a terrace situated at a raised level relative to the lower terrace associated with Flat 8.

There would be no vehicular access to the site. Pedestrian access to the site would be provided by way of a narrow (approx. 2.5m wide) access running between the flank elevation of No. 120A Anerley Road and the boundary with the adjacent railway embankment. The access would be level and would comprise an area of hardstanding leading to an entrance to flat 9 (Block 2) and stairs/a stair lift which would lead to the main entrances to Flat 8 (Block 2) and Flats 1 - 7 (Block 1).

In terms of materials, the application forms refer to the use on walls of a mixed palette comprising charcoal and buff brickwork, black stained timber and zinc cladding. The roofs would be grey in colour.

Site and surroundings

The site comprises a triangular area of vacant land adjacent to the railway embankment. The site is bounded to the southeast by a railway line, to the northwest by the rear gardens of houses fronting Hamlet Road and to the southwest by the rear garden of No. 5 Hamlet Road beyond which lie Nos. 70 - 76 Maberley Road. It is noted that the buildings comprising Nos. 70 and 72 Maberley Road are set deep into their sites, while Nos. 74 and 76 have longer rear gardens and are positioned closer to the back edge of the pavement of Maberley Road.

The adjacent railway line is referred to in the submitted Acoustic Assessment as typically carrying 480 trains in each direction during the day time period and approx. 90 trains passing through during the night time period from 23.00 to 07.00 hours.

The site slopes down from Anerley Road and towards the railway line. The site is visible from the railway bridge adjacent to the site.

Access to the site is provided by a narrow gap between the railway bridge and the single storey commercial premises of 120A Anerley Road. There is no vehicular

crossover leading to the access and access to the site is pedestrian only, with that access blocked by hoardings.

The access point and a short portion of the site adjacent to 120A lie within the Belvedere Road Conservation Area, with the remainder of the site adjacent to the CA. The SPG for the Conservation Area states that the character of the area is derived from harmonious diversity. Unifying factors which have been identified include the mainly residential character of the area and the large scale of the original houses. The SPG states with regards to new development that proposals should conform with the character of the particular section of the conservation area surrounding the proposal site, including scale, height of construction, location within a plot, design and materials used.

A Tree Preservation Order No. 2613 covers the site, protecting all trees.

Consultations

Neighbouring owners/occupiers were notified of the application, which was also advertised by way of a press advert and site notice. A number of representations were received in response to the notifications, in objection as well as in support (including a petition).

Local comments

Objections

- Concern regarding discrepancies/inconsistencies in the labelling of the site address
- The Construction Method Statement states that the access is expected to be a maximum of 3m wide when in fact the distance in a straight line between the shop at 120A and the railway bridge parapet is only 2.5m
- The construction method statement refers to the intent to block off part of Anerley Road to facilitate access to the site during the development but there is no technical assessment of the impact of that blockage upon local congestion, air pollution and road safety
- The shop at No. 120A has a window to the side wall of the building and also has a right of access to the pathway and side of the building where the access is
- There appears to be some inconsistency in how many floors Block 2 will have i.e. whether the building would be 1 or 2 storeys above ground level
- The building would sit against the boundary fence between the garden of No. 3 Hamlet Road
- Concern as to whether the flat roofs would be used as terraces and also how any unauthorised use would be enforced against
- It is unclear how high the wall adjacent to the boundary with No. 3 would be, and whether the existing fence would be retained.
- Information should be provided regarding plans to keep disturbance during construction to a minimum

- The creation of flats on this site is not consistent with the leafy and well-spaced character and feel of the area
- It will have a detrimental impact on the character and feel of the local area
- The design of the development makes no effort to fit in with the local built environment despite its siting in relation to Belvedere Road Conservation Area
- The flat roofs and dark materials will be visually obtrusive, including the blank and windowless wall which is planned to border the Hamlet Road property
- The development has most of the characteristics of backland development and by carving out a plot which was historically used for gardens, surrounded by buildings, the proposal is likely to create negative impacts on the local area.
- The access is inadequate, with only a narrow pedestrian gate. With no road access of any kind it is likely to be poorly suited for the needs of future residents and the design will impede access by essential or emergency services
- The proposal is likely to create a dangerous drop-off zone near the railway bridge, encouraging cars to pull up and wait in a congested and unsuitable area
- There is a bus stop directly facing the development's pedestrian entrance which creates a pinch-point for traffic congestion if cars are waiting (dropping off/picking up near the development's entrance)
- Residents will be tempted to cross unsafely where there is poor visibility
- Block 2 crosses a root protection zone, and this tree is on the property of No. 3 Hamlet Road. No plan is advanced to deal with this issue. The root protection zone overlaps where a proposed basement is to be dug and the development would therefore compromise the mature tree in question
- While the planning application states that the development is outside of the conservation area, part of the proposed development appears to lie within the conservation area
- The development will block sunlight from some or all of the gardens used by residents of the houses in Hamlet Road
- Would contravene the Human Rights Act Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions, including homes and other land
- Loss of privacy to people using adjacent gardens and some windows appear to be overlooked. The terraces would also overlook existing gardens and properties
- Loss of earnings to neighbours who work from home
- The proposal would not complement the existing pattern and appearance of development in the locality
- The applicant has cherry-picked the few nearby 20th century buildings to give a misleading impression of mixed housing stock and railway-side development
- The proposed development is inward looking and misses an opportunity to add to the urban environment
- Impact on outlook from neighbouring flats

Support

- The development would contribute to the regeneration of Anerley Road
- Would support local businesses
- There are a number of flats above every shop and these flats have not caused a parking problem to date
- Will provide additional housing and help local businesses
- There is a demand for housing locally

The applicant has submitted a statement in response to the comments which were received stating:

- The development would occupy lowered slab levels in order to minimise the perceived height and the height would be sensitive to the area's character
- The principle of a contemporary design is unobjectionable
- The proposed development would be built from yellow brick with dark metal cladding which would complement the use of slate locally.
- The site does not fall inside the conservation area but has been designed to respect the area's prevailing character and setting
- The application site is not a backland site as it takes access from and has a presence on Anerley Road
- The site is vacant, developable and lies in a sustainable and accessible part of the Borough
- The density of the development falls within the guideline standard
- Flatted accommodation is characteristic of the area and the provision of flats would optimise the use of the site
- Building 2 occupies a lowered ground level, standing only a single storey above natural ground level within the gardens on Hamlet Road and Building 1 would be separated from the closest rear facing window serving the flats in Hamlet Road by approx. 35m.
- There would not be adverse light impact
- The site is suitably located for car-free development
- Building 2 would stand at 2 storeys in height when viewed from the communal garden proposed, but would appear only single storey above natural ground level and this is shown on the submitted drawings
- The flat roofs would not be used as amenity space and no access is provided to these from within the development.

Technical comments

Environmental Health (housing)

There are no objections in principle from an environmental health (housing) perspective although it is noted that there is no mention of insulation/energy usage or potential onsite generation of heating and/or power from renewable sources or collection, storage and reuse of either rain or greywater or both for onsite irrigation and WC flushing purposes. The comments are provided on the presumption that the development meets or exceeds current building regulation standards for fire

separation, thermal efficiency and sound proofing between units and from external noise sources and in this case particularly the adjacent railway.

Environmental Health (Pollution)

From an environmental health (pollution) perspective it is noted that the Acoustic Assessment submitted with the application acknowledges that the design is at an early stage and anticipates a condition being imposed regarding acoustic glazing. There are no objections in principle but a condition is recommended should permission be granted which would require a scheme of mitigation to comply with the submitted Acoustic Assessment in order to achieve suitable internal noise levels.

Drainage

No technical objections are raised from a drainage perspective, subject to conditions.

Trees and landscaping

It is considered that the scheme results in very little opportunity for landscaping. There appears to be scope at the site for an improved design layout. The independent dwelling located on the north western boundary appears to be squeezed into the plot to maximise occupancy and is sited within potential amenity space for the main block. It is recommended that the application be refused on the grounds of negative impact to third party trees protected under the conservation area. The poor design of the plot, insufficient amenity space and lack of opportunity for soft landscaping should be addressed. It is considered that the application conflicts with Policies NE7, BE14 and H7 of the Unitary Development Plan.

Conservation

The proposal site is largely outside the Belvedere Road Conservation Area but is accessed through a small section of the conservation area beside the railway bridge. The built form would be adjacent to the conservation area but this end of Anerley Road is considered to be a peripheral part of the area, with less sensitivity than the upper areas around Belvedere Road and Fox Hill. BE13 is relevant in terms of views out of the conservation area which is essentially over the bridge along the side of the railway track and not of any particular interest in landscape or townscape terms. In terms of Policy BE11 there is only a modest change to create an access and this is not considered to be harmful to the conservation. While the proposal would be visible from the backs of the gardens along Hamlet Road these are private views and given the separation and gradient this is not considered unacceptable in the urbanised conservation area.

Highways

From a highways perspective, it is noted that the site lies within an area with a high PTAL rate of 5. No car parking is proposed and this is considered to be unsatisfactory. There are a number of other committed developments within the

vicinity which would reduce the number of on-street car parking spaces in the area. The proposal, if permitted, would be likely to lead to an undesirable increase in the demand for on-street parking. The Transport Note states that the car ownership in Crystal Palace ward is 54% which would translate to a minimum of 4 car parking spaces when measured against the Draft Local Plan residential parking standards, which are considered to reflect the NPPF which encourages local planning authorities to develop their own standards.

The level of cycle parking provision proposed is considered acceptable, as is the refuse store.

Transport for London

TfL was consulted on the application and has comments that the car-free nature of the development is welcomed, as is the offer to provide two years free car club membership to the prospective occupants. TfL request that this provision be secured through a Section 106 agreement. The cycle parking provision would comply with the London Plan standards.

Network Rail

The developer must ensure that their proposal during and after completion of works on the site would not encroach onto Network Rail land nor affect safety, operation or integrity of the railway/infrastructure. Comments refer to requirements for new development adjacent to NR land assets, recommended planting species and vegetation management. It is stated that no storm water, surface water or effluent should be discharged onto railway land and that soakaways must not be constructed near/within 10-20m of the boundary or at any point that might affect stability of the NR property. Guidance is also provided regarding scaffolding, plant and materials, pilings and landscaping. With regards to noise and vibration, it is noted that the potential for noise and vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains. It is recommended that the developer contact Asset Protection Kent prior to the commencement of any works

Planning Considerations

The application falls to be determined in accordance with the policies contained in the development plan and any other material planning considerations that are relevant.

The adopted development plan is the Bromley Unitary Development Plan (2006). The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Unitary Development Plan

Policy H1	Housing Supply
Policy H7	Housing Density and Design
Policy H9	Side Space
Policy T3	Parking
Policy T7	Access
Policy T18	Road safety
Policy BE1	Design of New Development
Policy BE11	Conservation Areas
Policy BE13	Development Adjacent to a Conservation Area
Policy BE14	Trees in Conservation Areas
Policy NE7	Development and Trees

Draft Local Plan

Policy 1	Housing Supply
Policy 3	Backland and Garden Development
Policy 4	Housing Design
Policy 8	Side Space
Policy 30	Parking
Policy 32	Road Safety
Policy 37	General Design of Development
Policy 41	Conservation Areas
Policy 42	Development Adjacent to Conservation Areas
Policy 43	Trees in Conservation Areas
Policy 73	Development and Trees
Policy 123	Sustainable Design and Construction
Policy 119	Noise Pollution
Policy 116	Sustainable Urban Drainage Systems (SUDS)

Supplementary Planning Guidance

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

Supplementary Planning Guidance for the Belvedere Road Conservation Area

The London Plan

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 5.3 Sustainable Design and Construction
- 5.13 Sustainable Drainage
- 6.9 Cycling
- 6.13 Parking

- 7.21 Trees and Woodlands
- 7.3 Designing out Crime
- 7.4 Local Character
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.

Mayor of London Housing Supplementary Planning Guidance.

Planning History

There is no recent planning history to report.

Conclusions

The main issues in the determination of this application are considered to be the impact of the proposal on the residential and visual amenities of the area in general and the Conservation Area in particular, the highways impacts of the proposal and the extent to which the proposal would provide residential accommodation of a high standard of amenity. The impact of the proposal on the health and long-term retention of trees also falls to be considered.

Principle of development

Housing is a priority use for all London Boroughs and Policies 3.3, 3.4 and 3.8 of the London Plan generally encourage the provision of residential development in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

The document also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.

Policy H7 of the UDP advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; the site layout,

buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.

The site at present is vacant. It appears that the site may once have formed garden land associated with the large residential buildings fronting Hamlet Road although the land has since been severed from these residential curtilages. It is not clear when this occurred. The planning history of the site does not indicate that the land was formerly developed and there is no record regarding a former use of the site other than as garden land at the rear of the houses fronting Hamlet Road.

In view of the siting of the land in relation to the frontage access (albeit small) onto Anerley Road the consideration of whether the site comprises a backland plot is finely balanced. While the land has an access point onto Anerley Road, it is extremely narrow and unsuitable for vehicular access. Its position in relation to the adjacent railway line and the relationship between the first third of the depth of the site and the rear yards of commercial properties fronting Anerley Road tends to suggest that the major part of the rear of the site would not once have had direct access onto Anerley Road and that the formation of a pedestrian only access (pedestrian only) may have been contrived by the rearrangement of boundaries at the rear of properties fronting Hamlet Road.

On balance, the residential development of the site is not considered unacceptable in principle. While the application site may historically have been associated with the large villas fronting Hamlet Road/the rear yards of the commercial premises fronting Anerley Road, its position relative to the railway line, the periphery of the surrounding residential area and in conjunction with a useable pedestrian access, the residential development of the site may be acceptable so long as it is sensitive to the surrounding residential area and conservation area, provides accommodation of a satisfactory standard of amenity for prospective residents and subject to there being no significant impacts on protected trees, on-street parking demand and conditions of highways safety.

Impact of development on residential amenity of neighbouring properties

It is acknowledged that the proposed residential blocks would occupy land which is at present open and undeveloped and as such there would be an inherent contrast between the existing and proposed appearance of the site. The topography of the site and surroundings mitigates the residential impact of the development to an extent as the two storey building which provides flats 8 and 9 would have a single storey appearance from the adjacent residential site. The building would have a height to the top of the flat roof of approx. 3m above the natural ground level of the rear garden of Hamlet Road, and while this building would be higher than a standard rear boundary fence, it would be separated from the buildings fronting Hamlet Road by an adequate distance and would not appear overdominant or excessively bulky when viewed from the adjacent garden. The rear wall of Block 2 would be constructed from buff stock brick and if permission is granted for the development it would be appropriate to seek the prior approval of the materials to

be used for the development in view of the sensitive location relative to neighbouring dwellings and in part within the Conservation Area.

While Block 1 would be appreciably higher than Block 2, and would incorporate windows facing towards the boundary with the rear gardens of dwellings fronting Hamlet Road, the separation between these windows and rear windows in the Hamlet Road buildings and the siting of Block 2 between Block 1 and the boundary would tend to limit the impact in terms of overlooking and loss of privacy, with the siting of the higher block towards the railway boundary mitigating the visual impact upon the Hamlet Road properties.

Approx. 18m space is retained between the rear elevation of the dwellings fronting Maberley Road and the site boundary. The development would be visible from the Maberley Road properties, but it is noted that these dwellings lie in an elevated position relative to the application site. The southern elevation of Block 1 incorporates a raised terrace which serves as amenity space for the second floor Flat 2. This terrace would be positioned approx. 16m from the boundary. On balance, taking into account the site's topography and the screening to the boundary it is not considered that the impact in terms of loss of privacy and overlooking associated with the terrace would be unacceptable.

Impact on the visual amenities and character of the area

The application site relates physically to the commercial frontage and urbanised street scene of Anerley Road while also relating to the open rear gardens of the residential buildings which surround the backland site.

While the surrounding area is fundamentally urban in character it benefits also from the large and generous rear gardens associated with grand Victorian villas and other buildings (generally converted to flats) which surround the application site on three sides. At present the railway embankment leads towards the application site and the combination of the two open areas contributes to provide a break in development which contributes to the character of the area. The openness of the site along with its relationship to neighbouring large rear gardens provides a visual break from the intensity of development in the locality, with this openness making a positive contribution to the visual amenities of the area.

It is considered that the amount of the site covered by buildings and hard surfaces would be uncharacteristic of the prevailing pattern of development in the locality with the combined impact of two blocks and their close proximity to each other and to the boundaries of the site resulting in an unacceptably cramped form of development in the context of the developed part of the site's position relative to the adjacent residential gardens. This is considered to result in an unsatisfactory relationship between the proposed development and the surroundings, the development proposal fails to recognise and complement the character of the land/pattern of development at the rear, drawing more reference from Anerley Road than from the residential sites to which the development would most closely physically relate.

That the development is set to the rear of the neighbouring shops would not adequately mitigate the visual impact and cramped appearance of the development in relation to the site and in terms of the relationship between the buildings. The larger Block 1 would dominate the aspect outlook from the squeezed in Block 2 and from surrounding sites. The appearance of the development is undermined by its scale and cramped position within the site.

While the backland position of the buildings and the gradient of the site would tend to limit the extent to which they would be immediately appreciable from the public realm of Anerley Road, the bulk of Block 1 and its proximity to the railway boundary would be apparent from the raised railway bridge and from adjacent sites. Similarly, the relationship of the buildings to the site boundaries would be appreciable from the dwellings fronting Maberley Road and Hamlet Road. Furthermore, the cramped nature of the development would be immediately noticeable from within the site, with the bulk and massing of Block 1 dominating the proposed communal gardens and the outlook from Block 2 (with limited physical separation between the buildings being provided).

The principle of a smaller scale development may be acceptable, with potential to overcome highways concerns and to sit more comfortably within the site, but as submitted the proposal would appear as a cramped overdevelopment. It is acknowledged that in terms of the density of development the proposal would sit well within the numerical density standards for the site's location but in terms of the visual impact and physical relationship between the built development and its surrounding the proposal would appear unduly cramped and overdominant in context with the specific site.

Residential amenity of prospective occupants

It is noted that each of the units would appear to meet the minimum space standards for residential development. In terms of the quality of the residential environment it is also noted that the visual dominance of Block 1 in relation to Block 2 would result in the windows to 8 on the ground floor having limited single aspect outlook towards the bulk of Block 1. Furthermore the quality of the amenity space and outlook from the ground floor flats at Block 1 (and in particular Flat 2) would be limited in view of the constrained depth of the terrace, the shadowing of the space by the first floor terraces and the proximity to the barrier between the development and the railway line.

It is acknowledged that the proposal makes provision for a communal terraced space between the buildings but the practical utility of the space is not considered to be high in view of the relationship between this space and the circulation/access to the building and the relationship between this space and the windows/terraces within the development. It is noted that the space would be terraced to address the gradient of the land.

The close proximity of the residential blocks to each other would tend to result in Block 1 dominating the outlook from Block 2, with the height and bulk of Block 1 being clearly visible in views from the largely single aspect Block 2.

It is noted that the flats in the block adjacent to the railway would be dual aspect but that their amenity terraces would be positioned in close proximity to and would face the railway land and line beyond. The submitted plans show the provision of large bi-fold doors to the combined living/kitchen/dining room of Flats 1, 2, 3 and 4 which lead onto the terrace and that the second floor flats would have open sided private terraces. It is acknowledged that the application has been accompanied by an Acoustic Assessment which states that mitigation measures could be adopted which would result in acceptable internal noise levels being achieved, referring to the provision of thermal double glazing and a combination of acoustically updated through frame trickle ventilators and standard hit and miss trickle vents. It is not clear how these measures would relate to the large doors leading to the terraces, which would realistically be openable and would also be likely to be open particularly in the summer months in order to maximise the utility and quality of the private amenity spaces. It is difficult to reconcile the detailed design the subject of this application, with the access to and siting of the terraces being intrinsically related to the fenestration on that side of the building, with the mitigation measures considered necessary and appropriate in order to ensure that the development is not unacceptably vulnerable to noise impacts associated with the operation of the adjacent railway line.

With regards to the impact of noise upon the terraces, the report refers to noise levels on terraces overlooking the road, stating that these would be expected to marginally exceed the BS8233 recommended levels. This is considered acceptable in the report on the basis that residents would rather have a noisier external amenity area than none at all, that most urban balconies/terraces are subject to noise levels above those recommended for balconies and terraces and, finally, that there is no evidence that high noise levels on balconies/terraces present a risk to health and wellbeing.

It is not considered that these three justifications would outweigh the concerns expressed above regarding the utility of the terraces in providing high quality amenity space, in addition to the conflict between providing good quality accessible amenity space and adequately limiting/mitigating noise from the adjacent noise and railway upon the internal rooms. It is noted that the calculations provided within the acoustic assessment are based on typical dimensions for façade elements, including glazing of approx. 1.5m² for bedrooms and 2m² for living rooms. The detailed elevations submitted with the application show the provision of significantly larger glazed openings in the elevation of the building facing towards the railway line which, along with the inherently openable nature of the windows and their relationship with the external amenity space appears to throw into question the extent to which the assessment provides reassurance that this specific development would be capable of adequate mitigation from railway noise in particular. Policy 7.15 of the London Plan specifically advocates the separation of new noise sensitive development from major noise sources through the use of distance, screening or internal layout, in preference to sole reliance on sound insulation. Where this is not possible without unduly impacting on sustainable development objectives, potential adverse effects should be mitigated and controlled through the application of good acoustic design principles. On the basis of the application submission it is not considered that the proposal would meet the requirements of Policy 7.15 in this respect.

Overall, taking into account the concerns regarding the amenity space provision, the single aspect of some of the flats and the relationship between the proposed residential blocks and the adjacent railway line, it is not considered that the proposal would provide residential accommodation of a satisfactory standard of amenity for prospective occupants.

Impact on the character and appearance of the Conservation Area

In terms of the impact of the proposal on the character and appearance of the conservation area it is considered that the location of the site in relation to the periphery of the conservation area and the position of the buildings adjacent to the CA would not result in the proposal failing to preserve the character and appearance of the conservation area.

Highways impacts of the development

While it is noted that Transport for London does not raise objections to the proposals, technical Highways objections are raised in relation to the lack of vehicular access to the development and the potential impact of the development on on-street parking demand in the locality. The servicing of the building's residential use falls to be carefully considered, taking into account the day-to-day requirements of residents relating to deliveries, removals, visitors and so on. The application is supported by a Transport Statement which concludes that the site is accessible to public transport and that residents would be closely located to everyday goods and services. The Statement also offers access to the Zipcar car club scheme, referring to the there being two Zipcar vehicles available approx. 800m to the north west of the site and a further space approx. 850m to the south west of the site.

While it is appreciated that the provision of Zipcar membership to prospective residents attempts to overcome the concerns relating to the potential impact of the entirely car free (with no vehicular access whatsoever) development, it is not considered that this would address the concerns relating to on-street parking demand and the parking associated with the development being pushed outside of the site onto the public highway. The Zipcar locations referred to in the Transport Statement are located some distance from the application site and it is noted that in terms of servicing of the residential development (food and other deliveries, removals etc.) there would be no alternative other than parking on the adjacent busy highway. With regards to the difficult and impractical nature of servicing the site which would have no vehicular access, the Transport Statement refers to servicing taking place on the street with short stay on-street parking to facilitate the servicing of the site. What parking there is on Anerley Road is limited to Mon- Sat short stay loading with stays in excess of 30mins being prohibited. The statement refers to the willingness of the applicant to cover the costs of converting one of the existing on-street parking spaces to a dedicated loading bay with a potential additional parking space to the north to ensure no associated loss in on-street parking.

If planning permission was granted for the proposals these provisions would fall to be secured by way of a legal agreement rather than by planning condition. On balance, however, it is not considered that the detailed provisions would adequately address the concerns raised regarding the realistic and practical long-term operation of the residential site and the impact that the development would have upon on-street parking demand in the locality.

Impact on the health and long term retention of protected trees

The comments of the Trees Officer have been sought in respect of the proposals. It is noted that the submitted Tree Survey refers to the potential removal of T6 which is a 10m high sycamore, the trunk of which appears to be sited in the adjacent residential garden. The potential removal of a lime tree (T1) which is also sited outside of the application site is also referred to.

Block 2 of the proposed development would be sited immediately adjacent to the boundary the other side of which lies T6 and it is noted that concern has been expressed by neighbouring residents regarding the potential impact of the development on the health and long term retention of the tree, suggesting that the potential agreement to its removal referred to in the Tree Survey could prove to be problematic, while the erection of the building in close proximity to the tree and within its root protection area could have implications for its health and long term retention.

The siting and site coverage of block 2 is considered to undermine the extent to which meaningful soft landscaping could be provided to improve the visual amenity of the site and surroundings and to soften the appearance of the development, as well as potential impacting upon the third party trees adjacent to the site. Overall, the proportion of the site covered by buildings and hard surfaces is considered to be unacceptable, lending a cramped appearance and with the terraced amenity space appearing contrived rather than serving a functional utility as a usable space for the amenity of prospective occupants.

Other matters

It is noted that concern has been expressed regarding the Human Rights Act implications of the development.

Loss of earnings is not a material planning consideration, and is closely allied with the principle that impacts associated with the period of construction (noise/disturbance etc.) do not comprise material planning considerations since all building work is likely to have some impact for a temporary period.

Concern has been expressed regarding the continued right of access to the rear of the adjacent shop premises. The Council does not hold records of land ownership and it is not considered that this would constitute a material planning consideration in the assessment of the scheme.

Summary

While the residential development of the site may in principle be acceptable, in view of the constrained access to the land along with its siting in relation to surrounding development and upon former garden land, it is considered that the current proposal represents a cramped development which would appear "squeezed in" and which would have a detrimental impact on the visual amenities of the area. As a consequence of the siting of the buildings in relation to each other and the boundaries of the site and the size and number of units proposed within the application site it is considered that the proposal would fail to provide accommodation of a high quality of residential amenity, including outlook and amenity space. The proposal fails to adequately address highways concerns regarding the potential parking demand associated with a development of this size and nature, alongside concerns regarding the practicality of the site from the perspective of vehicular servicing of the residential units.

Background papers referred to in the preparation of this report comprise all correspondence on file ref: 17/02479 excluding exempt information.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposal by reason of its size and siting would constitute a cramped development out of character with the pattern of development in the locality, detrimental to the visual amenities of the area, providing accommodation with an inadequate quality of residential amenity, detrimental to the health and long term retention of third party trees protected by reason of their siting within the conservation area, and lacking opportunities for soft landscaping thereby contrary to Policies H7, NE7, BE14 and BE1 of the Unitary Development Plan, Policies 3, 4 and 37 of the Draft Local Plan and Policies 7.4 and 3.5 of the London Plan.**
- 2 No off-street car parking facilities or vehicular access can be provided within the curtilage of the site in the absence of which the proposal which provides 9 residential flats would generate an unacceptable increase in the demand for on-street car parking which would be prejudicial to the free flow of traffic, conditions of safety and on-street parking demand along the adjacent highway, thereby contrary to Policies T3 and H7 of the Unitary Development Plan, Policies 30 and 4 of the draft Local Plan and Policy 6.13 of the London Plan.**
- 3 Inadequate information has been provided to demonstrate that specific design of Block 1 would meet the requirements of Policy 7.15 of the London Plan with regards to the management of noise, in the absence of which the proposal would fail to provide accommodation of a satisfactory standard of residential amenity, thereby contrary to Policy H7 and BE1 of the Unitary Development**

Plan, Policies 119 and 4 of the Draft Local Plan and Policies 3.5 and 7.15 of the London Plan.