

SECTION '2' – Applications meriting special consideration

Application No : 17/05400/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 two storey building on land to the rear of No. 120A Anerley Road to provide 6 flats (4 no. two bedroom flats and 2 no. 1 bedroom flats) with private and communal amenity space and landscaping, refuse, recycling and cycle storage.

Key designations:

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

Proposal

Planning permission is sought for the erection of a detached block of flats. The block of flats would comprise 4 two bedroom and 2 one bedroom flats - 6 flats in total. The building would be part one/ two/three storey, with the predominant bulk of the building set over two storeys. The floor levels would be staggered to address the topography/gradient of the site and the building would have an irregular footprint.

At lower ground floor level the building would provide 1 two bedroom flat (Apartment 1) which would have a stepped access from the eastern side of the building but which would face towards/onto the lower level lawn. The flat would have a dual aspect, with windows facing south and west and would have access to a terrace amenity space adjacent to the communal grounds.

The upper ground floor level would provide 3 flats (Apartments 2, 3 and 4). Each of these flats would be dual aspect, with east facing windows looking towards the boundary with the adjacent railway land and west/south west facing windows looking towards the communal lawn between the building and the north western and south western boundaries of the site. Each flat incorporates an outside terrace area.

The first floor of the building would provide two flats (Apartments 5 and 6) which also benefit from multiple aspects as well as private terraces, with the terrace associated with Flat 6 being set upon the roof of Apartment 2 below and the terrace of Apartment 6 facing towards/over the railway land to the east of the site.

Amenity space to serve the development would be provided in the form of a communal garden/terrace between the building and the south and western boundaries of the site, along with the private terraces to each flat.

In terms of materials, it is proposed to use two tone buff London stock brick with charcoal detailing and zinc standing seam cladding. The roof would be flat and grey in colour, and the windows and doors would be aluminium framed, coloured black/dark grey. It is proposed to erect a charcoal brick dwarf wall with railings to the railway boundary with the remaining boundaries marked by 1.8/2m high timber fences. At the front of the site accessing Anerley Road a timber fence with double gates would be provided. The amenity space would be formed of a mix of block paving, landscaped lawns and planting beds with the planting beds predominantly positioned adjacent to the building.

There would be no vehicular access to the site. Pedestrian access to the site would be provided by way of a narrow access running between the flank elevation of No. 120A Anerley Road and the boundary with the adjacent railway bridge/embankment. The access would be level at the upper ground floor of the building comprising apartment 4, with stepped access to the entrances to apartments 2 and 3 and apartment 1 at lower ground level.

No parking spaces are proposed to be provided.

The application was supported by the following documents:

- Design and Access Statement
- Transport Statement
- Construction Method Statement
- Acoustic Assessment
- Tree Survey
- Flood Risk Assessment

Location and Key Constraints

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.

Comments from Local Residents and Groups

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

Objections

- Will impact on natural light to adjacent building and garden
- Loss of greenery
- Increased traffic and congestion
- The construction method statement is inconsistent
- The proposal would impact on trading at the adjacent commercial premises
- Concern regarding land ownership and access to the side of the adjacent property
- Threat of legal action to re-instate rights of access
- The available width of the access opening is only 2.5m and cannot be widened
- Adjacent roads are currently very busy during peak and other hours
- Proposal will cause obstruction to already busy area and the residents will add to congestion
- Construction period will have a significant impact on adjacent road
- Pressure for on-street parking
- The assessment of the number of free parking spaces seems very optimistic as does the low estimate of the number of cars likely to be owned
- The size of the site is inadequate for the development proposed
- The developed area still seems large and cramped in relation to the available space
- The flat roofed development would not be consistent with the character, design or style of existing properties in the area
- Potential damage to trees
- Loss of privacy from windows and terraces

- Creation of flats is not consistent with the character of local houses and gardens north of the railway bridge
- Site borders the Belvedere Road conservation area
- Site has most of the characteristics of backland development
- No access road means that it is likely to be poorly suited for the needs of future residents and there will be limited access for essential or emergency services
- No permeability to pedestrians
- Application fails to make the effort to promote security and safety through good design
- The materials and design are out of character
- The blank windowless wall facing the Hamlet Road properties will be obtrusive
- Impact on pedestrian and highways safety
- The 4 parking spaces near the development entrance are always taken
- Human Rights Act contravention

Support

- Housing is needed
- Will modernise Anerley
- New and exciting buildings will bring new residents who will support local businesses

Comments from Consultees

Environmental Health (Pollution)

There are no technical objections to permission being granted, subject to a condition requiring the submission of and implementation if approved of a scheme of glazing and ventilation based on the recommendations of the Acoustic Assessment (ref RP01-17376REV2).

Drainage

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

Trees and landscaping

With regards to the previous application, it was considered that the scheme resulted in very little opportunity for landscaping and that there appeared to be scope at the site for an improved design layout. Concern was expressed regarding the independent dwelling located on the north western boundary which was considered to be sited within potential amenity space for the main block. It was 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 was recommended to be addressed.

The application is a resubmission with an amended layout and scale of development and the comments of the Principal Tree Officer have been sought. Any comments from a trees and landscaping perspective will be reported verbally at committee.

Conservation

The comments relating to the previous application 17/02479 are repeated (summarised) below:

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 area. 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

The site is located within an area with a high PTAL rate of 5.

No car parking is proposed which is unsatisfactory. There are number of committed developments within the vicinity (i.e. 122 Anerley Road with 8 residential units and no car parking) which would reduce the number of on- street parking spaces in the area. The proposal, if permitted, would therefore be likely to lead to an increase pressure for on-street parking.

The Transport note states that the car ownership in Crystal Palace ward is 57% which translates to a minimum of 4 car parking spaces to serve the development. The Proposed Draft Local Plan Chapter 4, Getting Around (Transport and Accessibility) states the following for residential parking standards:

Bromley Residential Parking Standards (per unit)

PTAL	1-2 bed	3 bed
0-2*	Minimum of 1	Minimum of 1.5
2*-6a	0.7 (min) - 1 (max)	1 (min) 1.5 (max)

These standards reflect the factors in the National Planning Policy Framework (NPPF) which encourage local planning authorities to develop their own standards.

It is further noted that the applicant is relying upon single or double yellow lines to service the units. It is considered that this would increase the risk to the free flow of traffic and congestion in the area.

Cycle parking - 11 spaces indicated on the submitted plan; this is acceptable.

Refuse store- acceptable in principle.

Transport for London

TfL was consulted on the previous application and commented 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

It is noted that the development is on the top of a cutting. Any building must be located at least 2m from the boundary with Network Rail land and the developer must ensure that both during construction and on completion no additional loading should be placed on cuttings or adversely affect any railway land or structure.

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.

Policy Context

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 Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination in Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration.

The weight attached to the draft policies increases as the Local Plan process advances.

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

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

Under reference 17/02479 planning permission was refused for the 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.

Permission was refused on the grounds:

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.*

This application seeks to overcome these grounds for refusal.

Considerations

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

- Resubmission
- Principle
- Design
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- Trees
- Other (drainage/flooding/noise/pollution)
- CIL
- S106

Resubmission

The application differs from the scheme refused under reference 17/02479 in the following respects:

- Provision of flatted development within one block rather than the two blocks previously proposed
- Reduction in the footprint of development on the site by 20%
- Reduction in the number of flats from 9 to 6
- Reduction in height of the development from 3/4 storey to 2/3 storey
- Submission of acoustic assessment
- Amendments to the layout of flats within the residential block retained (towards the eastern boundary of the site with the railway land adjacent).
- Amendments to the materials to be used for the external surfaces of the building to comprise predominantly buff brick rather than zinc/timber cladding
- Amenity terraces moved to the elevations away from the boundary with the railway land (with the exception of one flat)
- Distance to the boundary with the railway land increased towards the northern end of the residential block (from approx. 1.5m to 2.5m) with planting beds shown to be provided between the building and the access pathway and at the base of the northern elevation.
- Modification of the external amenity space to provide increased usable area (rather than graded terracing previously proposed)
- The applicant proposes the retention of trees within the site.

Principle

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.

Design

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

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

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

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.

In assessing the previous proposal it was considered that the proportion of the site covered by buildings and hard surfaces and the proximity of the two blocks to each

other and to the boundaries of the site would have resulted in a cramped development. The cramped relationship between the blocks was considered to be appreciable both inside the site as well as from the surroundings.

On balance, it is considered that the cumulative amendments to the scale and footprint of development represents a genuine improvement over the previous proposals in terms of the impact on visual amenity and the extent to which development would complement the pattern and grain of nearby spaces and development. The extent to which the bulk of the building would dominate views from the railway bridge and from neighbouring sites has been reduced to a satisfactory degree, and the provision of a more generous and less convoluted open space/separation to the boundaries is considered to result in a less cramped and overdominant appearance. The flat-roofed design would not directly complement the pitched roofs of the buildings fronting Hamlet Road but the context of the building in relation to the frontage commercial premises on Anerley Road is noted and on balance it is considered that the resultant design would not be incompatible with surrounding development.

The materials to be used for the proposed building would complement the palette of materials in the locality albeit relating to the more contemporary finish than in neighbouring sites. 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.

Standard of residential accommodation

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

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

Policy 3.5 of the London Plan and the Housing SPG (2016) Standard 24 states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Technical housing standards - nationally described housing standard (2015).

The current application is supported by an Acoustics Assessment which includes a number of recommendations regarding glazing and sound proofing so as to safeguard the residential amenities of prospective occupants of the development. The design/layout of the development has been amended so as to reduce the impact of the adjacent railway noise upon the proposed flats.

Each of the units appears to meet the minimum space standards for residential development, and where concern was previously expressed over the visual dominance of Block 1 in relation to the formerly proposed Block 2, the deletion of this second block of residential accommodation represents an improvement over the previously refused scheme. The re-siting of the terraces almost entirely away from the boundary with the railway land would result in an improved outlook from the ground floor flats at Block 1 as well as an improved quality of amenity space. This is further improved by the replacement of the previously proposed contrived terracing to the amenity space with a larger 'flat' amenity/open space. It is acknowledged that the terrace to one of the flats faces towards the railway, but also that the opening to the terrace is in a recessed side elevation so as to limit noise within the flat associated with the access.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

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.

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, and that the current proposal has reduced the number of residential units from 9 to 6. However, concerns remain from a technical highways perspective regarding the potential impact of the proposal 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.

Neighbouring amenity

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

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 and it is noted that this revised scheme has deleted the block formerly positioned adjacent to the boundary with the adjacent residential gardens.

The separation between the main building and the boundary with 1/3 Hamlet Road is approx. 1.5m increasing to 7.5/16m to account for the angle of the building in relation to the boundary line. The height of the building would be approx. 6m. The current scheme relocates the majority of the terraces for the flats to the western/southern elevations of the building which has the potential to result in loss of privacy/overlooking although it is noted that the siting of the terraces has been carefully considered so as to limit the opportunities for direct overlooking. Where a raised terrace is proposed, in the case of those associated with flats 3, 5 and 2, they are sited so as to limit loss of privacy.

The rear (southern) elevation has a three storey appearance and incorporates elevated terraces to flats 2 and 5. 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. It is

noted that this elevation faces towards the railway land and trees in the southern corner and adjacent to the site and that approx. 10m separation is retained between the southern elevation of the building and the rear boundary of the site. The southern elevation of the proposed block incorporates a raised terrace which serves as amenity space for an upper floor flat. 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.

While the remaining block 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 angle of the western elevation of the building in relation to the layout of buildings and curtilages in Hamlet Road limits the potential for significant direct overlooking and associated loss of privacy. The reduction in the height of the building and its setting away from the western boundary is considered to reduce the potential impact on residential amenity to a satisfactory degree.

It is noted that concerns have been expressed regarding the impact of the proposal on natural light to the neighbouring dwellings in Hamlet Road. However, in view of the separation between the block and the boundary and then again to the rear elevation of the buildings fronting Hamlet Road it is not considered that a ground for refusal on this basis would be sustainable, taking into account also the planning history of the site.

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.

Sustainability

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

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

CIL

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

Other matters

It is noted that the proprietor and owner of the adjacent premises has expressed concern regarding the impact of the proposal on access rights and raises concern regarding land ownership matters. Land ownership is a private legal matter.

Concerns are expressed regarding the impact of the period of construction upon the free flow of traffic, safety and the continued trading of the adjacent retail unit. These concerns are noted. However limited weight can be afforded to the impacts of construction on commercial premises in recognition of the fact that all construction work has the potential to cause inconvenience. If planning permission was to be granted it would be appropriate to impose a condition requiring the submission and approval of a Construction Method Statement to be agreed in writing by the Local Planning Authority in recognition of the concerns expressed regarding this aspect of the development and the continued highways objections to the proposed development as submitted. The relationship between the development entrance and the servicing of the construction and the neighbouring commercial premises would be a private matter between the applicant and the adjacent owner/operator.

Conclusion

It is considered that with regards to the concerns regarding the standard of residential accommodation and the impact of the proposal on visual amenity, this current proposal addresses the previous grounds for refusal where they related to these deficiencies. However, the inadequacy of the access and the lack of adequate servicing and park to meet the needs of future occupants as well as to avoid undue stress on local on-street parking demand and adverse impact on the freeflow of traffic and conditions of safety within the highway remains a significant concern. It is considered that the provision of 6 residential units within this constrained site would be unacceptable. The development is likely to generate some demand for parking and taking into account the site's location and lack of any vehicular access it is considered that the proposal would place undue pressure on on-street parking demand and that the servicing of the residential development by essential and emergency vehicles would be inadequate due to the relationship between the development and the neighbouring highway.

Anerley Road is a heavily used route, with limited on-street parking bays and subject to on-street parking restrictions. The development is relying to some extent upon single and double lines to service the units, which in view of the number of units and their siting relative to the highway would increase the risk of the development to the free flow of traffic in the area, increasing the potential congestion in the locality. Concerns are expressed by local residents regarding the existing congestion and parking issues in the immediate locality and technical highways objections are also raised. It is considered that the impact of the proposal

on parking demand, the free flow of traffic and conditions of safety in the vicinity of the application site would be severe and it is therefore recommended that planning permission be refused.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

as amended by documents received on 08.01.2018

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 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 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.**