

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

Application No : 18/04744/FULL1

Ward:
Chislehurst

Address : Silver Leaves Southill Road Chislehurst
BR7 5EE

Objections: Yes

OS Grid Ref: E: 542399 N: 170551

Applicant : Mr Eddie Ossai

Description of Development:

Demolition of existing dwelling and erection of three storey block comprising 6 no. two bedroom flats, 6 no. car parking spaces, refuse and cycle storage and hard and soft landscaping

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 10

Proposal

Planning permission is sought for the erection of a three storey building to provide 6 no. two bedroom residential flats with parking spaces to the front of the property, refuse and cycle storage and hard and soft landscaping.

The proposed building would be constructed upon the footprint of the development allowed on appeal under reference 16/03312/FULL1 (and varied under reference 17/03095) but the built form would not directly replicate this approved development and parking provision which was amended to comprise frontage parking rather than the basement scheme allowed on appeal would now be provided through the installation of 3 no. two car stackers. The refuse storage facility would replicate the footprint of that allowed on appeal and provided under 17/03095.

The proposed building would comprise flat roofed stacked sections with angular front balcony projections. Materials used would comprise a mix of brick facing with timber cladding to the upper storey.

The block would be of irregular shape to fit the tapering site, having a length of approx. 22.25m in respect of the main block and an (angled) width of approx. 11m at the front, with the narrower rear 'wing' being approx. 10.5m wide. The height at the front would be approx. 7.4m increasing to 10m at the front, including the plinth and taking into account the stepped back upper level and 3/6/9m high at the rear elevation, with each storey staggered from lower ground to upper ground to first floor level.

The application was supported by the following documents:

- Design and Access Statement
- Parking Stress Survey
- Noise Assessment

Additional information was submitted on 11th December 2019 regarding the technical information and operation of the proposed parking stackers as well as the layout of development at the front of the site. A further drawing received 18/12/18 showed the parking area at a lower scale for ease of reference.

Location and Key Constraints

The application site lies on the northern side of Southill Road, which is an unmade road, on a steeply sloping site. The site is irregular in shape with an entrance of 4m width tapering to a width of 36m at the rear boundary. The overall depth of the site is approx. 53m.

The road has a varied character in terms of the ages, styles and sizes of dwellings, being characterised rather by the large plots within which buildings sit and the combined effect of the hilly topography of the street and mature trees and shrubs result in the street having a semi-rural appearance and a "sylvan and verdant" character (as described in appeal reference 15/04737).

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

- Concerns regarding the operation of the parking stackers in the context of the small frontage area
- A risk assessment should be submitted regarding the stacking parking systems, as there is insufficient space to provide gates to prohibit public access to the front of the site
- If the parking stacker does not operate correctly then vehicles will need to reverse (in particular if the stacker does not operate with a car positioned on the parking space)
- Would the individual spaces within the stacker be numbered and allocated to each flat or would it be operated on a first come first serve basis as if they are allocated then the number of reversing movements would be increased
- There being an elevated/raised car/van up in the air would be unsightly
- The manufacturers state that the pit will flood without the correct drainage/sump pump and petrol interceptor
- The agent has not confirmed whether audible alarms during operation will be provided
- Noise levels associated with the parking stacker and no ability for vans to be parked
- No parking management scheme has been submitted
- Lack of space for waiting vehicles
- Will the stacking system require night time floodlighting?
- The site cannot support six vehicles with no turning circle
- The mass of the building would be overpowering from the street and is an overdevelopment of an irregular parcel of land
- Out of character with the scale and proportion of neighbouring buildings
- Detrimental to the adjacent Chislehurst Conservation Area
- The site layout, buildings and space about buildings do not complement the form, layout and materials of adjacent buildings and areas
- Will result in a loss of spaciousness
- Monotonous roofline will be the first of its kind in the road

- The smaller scale development was approved on the basis that the completed building would resemble a modern house
- Lack of parking
- Impact on highways safety
- Will result in further deterioration of the road surface

Comments from Consultees

Environmental Health Pollution Officer:

An informative is recommended as below:

Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.

If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

It is also recommended that if permission is granted a condition be imposed requiring the submission and approval of a noise and vibration report should be submitted with regards to safeguarding future residents from rail noise.

Drainage Engineer:

Please advise the applicant that it is not acceptable to discharge surface water run-off into public sewer without attenuation. Please impose PC06.

Highways:

It is noted that the application 16/03312 was allowed at appeal for a block of 4 x 2 bed flats with the parking subsequently amended under the 2017 application to provide surface car parking spaces rather than the basement car parking originally provided.

The parking is now proposed using a lift system. There would be 6 spaces provided in 3 blocks of 2 with one space below the other. One space would be at ground level and the lift would rise to access the lower car parking spaces.

The parking space shown scales at about 5.2m x 2.5m. This seems tight for a platform to parking the car on and only leaves 1m gap for residents to get to the building. The frontage area is constricted and therefore I would ask that the applicant confirms this is the correct size.

The refuse storage looks small for 6 flats and Waste Services should be asked if this is adequate because again space on the frontage is tight.

The construction phase is likely to be an issue given the road and the constraints of the site. There appears to be a fair amount of excavation required and so there is likely to be a number of HGV trips. The road surface is unmade and so a road condition survey will be needed and any damage made good. If the surface deteriorates significantly during the construction period interim remedial measures may be required.

Further to these comments, additional information was provided by the applicant and comments received:

"Looking at the manufacturer's specification for the stacking units it is recommended (top of page 3) that a platform width of 250cm is used. For the double unit this would mean a distance of 530cm between the walls. Scaling off the plan provided there seems to be less than 5m between the walls. Also the outside wall is right on the boundary with the adjacent property so if any retaining structure is required it will affect the location of the unit. I think we do need a larger scale dimensioned plan of the frontage to demonstrate the layout will work."

The agent was asked to submit a larger scale drawing showing the parking provision, which was provided on 18/012/18. In response, technical highways comments stated:

"The way I read the dimensions the width I have marked in red on the attached plan is the platform width for parking between the walls. The double one lift scales off at 4.8m and the single one at 2.4m. The manufactures spec for the recommended 250mm platform is 5.3m between the walls for the double and 2.8m between the walls for the single. I think the location of the units will need to be adjusted to get these widths in.

It may be able to work technically but that still leaves the issue of whether this is suitable for this type of location."

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision makers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

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

London Plan Policies

3.3 Increasing Housing Supply
3.4 Optimising Housing Potential
3.5 Quality and Design of Housing Developments
3.8 Housing Choice
3.9 Mixed and Balanced Communities
5.12 Flood Risk Management
5.13 Sustainable Drainage
6.9 Cycling
6.13 Parking
7.1 Building London's Neighbourhoods and Communities
7.2 An Inclusive Environment
7.3 Designing Out Crime
7.4 Local Character
7.6 Architecture
7.8 Heritage assets and archaeology
7.21 Trees and Woodland
8.3 Community Infrastructure Levy

Unitary Development Plan

BE1 Design of New Development
BE13 Development Adjacent to Conservation Areas
H1 Housing Supply
H7 Housing Density and Design
H9 Side Space
NE7 Development and Trees
T3 Parking
T18 Road Safety

Local Plan

Policy 37 - General Design of Development
Policy 30 - Parking
Policy 32 - Road Safety
Policy 4 - Housing Design
Policy 8 - Side space
Policy 1 - Housing Supply
Policy 73 - Development and Trees

Supplementary Planning Guidance

SPG1
SPG2
The Mayor's Housing Supplementary Planning Guidance

Planning History

The relevant planning history relating to the application site is summarised as follows:

14/04096/FULL1 - Proposed demolition of existing bungalow and the erection of 1 no. 2 storey building for 5. no. flats with roof space accommodation and undercroft parking - Refused

Reasons for refusal -

1. The location and design of the proposed development constitutes an overdevelopment of the site and would be detrimental to the visual amenities, character and spatial standards of the surrounding area, contrary to Policies H1, H7, H9 and BE1 of the Unitary Development Plan.

2. The proposed windows within the bedrooms of apartment four do not provide a reasonable view or outlook and would be harmful to the amenities of future occupiers contrary to Policies H7 and BE1 of the Unitary Development Plan.

3. The cumulative impacts of the size of the parking spaces, reduced manoeuvring space and no passing place on the driveway results in a constricted parking area and a cramped form of development contrary to Policy BE1 of the Unitary Development Plan.

15/00431/FULL1 - Proposed demolition of existing bungalow and the erection of a two storey building to host 5 flats and undercroft parking - Refused

Reasons for refusal -

1. The location and design of the proposed apartments constitutes an overdevelopment of the site and would be detrimental to the visual amenities and spatial standards of the surrounding area, contrary to Policies H1, H7, H9 and BE1 of the Unitary Development Plan.

2. The proposed development would have a detrimental impact upon residential amenity of the owner/occupiers of the development by virtue of actual and perceived overlooking and transient movements in front of the private amenity space afforded to apartment four and five and poor outlook from the bedrooms within apartment four contrary to Policy BE1 of the Unitary Development Plan.

Appeal ref: APP/G5180/W/15/3030405 was dismissed by the Inspector.

15/04737/FULL1 - Demolition of existing bungalow and the erection of a two storey building with roof space accommodation and undercroft parking for 4 x apartments - Refused

Reasons for refusal-

1. The location, siting and design of the proposed apartments constitutes an overdevelopment of the site and would be detrimental to the visual amenities and spatial standards of the surrounding area allowing for an overtly prominent and out of character form of development, contrary to Policies H1, H7, H9 and BE1 of the Unitary Development Plan.

Appeal ref: APP/G5180/W/16/3144092 was dismissed by the Inspector. The Inspector raised the following points:

- The width of the building is exacerbated in that it widens into the site
- The front elevation appears as three storeys ... the roof is substantial...the building would have a significant bulk when viewed from Southill Road
- Whilst the gaps to the boundary are similar to other buildings within the locality, the width and height of the building would more conspicuously fill the plot.
- The shape of the building means that the depth would be evident from the front of the site.

- The planting to the front of the site softens the development
- The materials would reflect the variety used in the area and would go some way in integrating the building into the landscape and the side elevation of the Hurns would be largely hidden by the proposal
- An apartment building would not necessarily be inappropriate on the site

Under reference 16/03312 planning permission was refused for a 4 unit residential development on the site. Permission was refused on the grounds:

"By virtue of its overall height, width and scale, the development constitutes an overdevelopment of the site and would be considered detrimental to the visual amenities and spatial standards of the surrounding area allowing for an overtly prominent and out of character form of development, contrary to Policies H7, H9 and BE1 of the Unitary Development Plan."

A subsequent appeal against the Council's refusal was allowed. The Inspector raised the following points:

- The new building would appear as two storeys and the space to the boundaries would be commensurate with neighbouring development
- There is no uniform aesthetic approach in the locality
- The bulk of the building was diminished in contrast with previous dismissed scheme
- The development would not be overtly prominent and out of character
- Only the front section of the structure would be readily visible from the street
- With a sensitive planting scheme the development would not be harmfully obtrusive

Under reference 16/04480 planning permission was granted for proposed front projecting single and two storey extensions with elevational alterations and landscaping. That application included a large area of hardsurface to the front of the site, in a similar position to that currently proposed albeit with a wider hard landscaped immediate frontage to the street.

Under reference 17/03095/RECON an application to vary condition 2 and remove conditions 8 and 12 of the permission allowed on appeal was approved. The application proposed the removal of basement car parking allowed on appeal so as to provide 4 no. surface car parking spaces.

Considerations

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

- Principle
- Resubmission
- Design
- Density
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- CIL

Principle

The principle of the flatted development of the site is acceptable in view of the planning history of the site, subject to consideration of the residential amenity of prospective and existing occupants, the impact of the proposal on the character of the area and visual amenity, the freeflow of traffic and conditions of safety within the highway and the extent to which the site would be adequately serviced by parking and refuse storage facilities.

Resubmission

The site has planning permission under reference 17/03095/RECON and 16/03312/FULL1 for the residential redevelopment of the site. Under reference 16/03312/FULL1 permission was sought for an amendment to the scheme allowed at appeal so as to allow the provision of surface car parking rather than basement car parking.

The scheme allowed under 16/03312/FULL1 was noted to have a 2.5 storey appearance from the front, with an entrance to basement car parking and two storey appearance at the rear (due to the topography of the site). The 2.5 storey appearance was maintained in application 17/03095 since the scope of the amendments was limited to the removal of the previously proposed basement car parking.

The current proposal would have a 3.5 storey appearance from the front of the site and a three storey appearance from the rear. A flat roof is proposed rather than the pitched roof previously granted permission. The scheme granted permission at appeal included 6 no car parking spaces for the 4 no units. The approved scheme under 17/03095 reduced the ratio of car parking spaces to 1:1.

The Design and Access statement submitted with the application states that the proposals have been influenced by recent approvals on neighbouring sites, including the approval of a three storey block of flats at Hillcroft under reference 18/02209/FULL1. It is stated that the building will be sited in exactly the same position as the appeal approved scheme, but seeks to provide additional accommodation in a building described as being of similar design to the development (unimplemented) at Hillcroft. It is stated that the height of the building at the front would be lower than the previous scheme and the raised rear section would be level with the existing scheme at the rear. The agent states that there is a reduction in the visual mass of the proposals.

Members are advised that a separate planning application has been submitted which proposes the redevelopment of the neighbouring site (to the east) known as The Hurns where a large single dwellinghouse would be demolished and replaced by a block of 6 flats (18/04700). The applications are separate, and it is noted that if permission was granted at the neighbouring site, there is no guarantee that that development will be implemented. It falls to consider the merits of this scheme in relation to the neighbouring development as existing, while being mindful of the implications of the development proposed at the neighbouring site if permission is granted and implemented.

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.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

London Plan, Unitary Development Plan and draft Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policy H7 of the Unitary Development Plan and Policy 4 of the draft Local Plan set out a number of criteria for the design of new residential development. With regard to local character and appearance development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings. The layout of development should be designed to give priority to pedestrians and cyclists over the movement and parking of vehicles, and off-street parking should be well-integrated with the overall design of development.

Policy BE1 of the Unitary Development Plan and Policy 37 of the draft Local Plan require new development to complement the scale, form, layout and materials of adjacent buildings and areas, and seeks to protect the amenities of neighbouring properties.

Draft Policy 8 requires that new residential development for a proposal of two or more storeys in height a minimum of 1m side space from the side boundary is maintained and where higher standards of separation already exist within residential areas proposals will be expected to provide a more generous side space. This Policy is consistent with Policy H9 of the Unitary Development Plan.

It is considered that the materials used for the building would not be inappropriate in the context of the site and surroundings, and it is noted that the footprint of the building itself would not represent an increase in contrast to the approved schemes. The contemporary design of the development is not considered unacceptable and in terms of the street context development of a flat roofed design is not unique (with particular reference to the permission granted at Hillcroft). The development would exceed the minimum 1m side space required by Policy H9 and draft Policy 8 in respect of separation to the boundary.

However, the provision of a storey of accommodation within a squared off upper section would result in greater visual bulk than the scheme allowed at appeal where the upper

storey of accommodation was more discreetly arranged within a hipped roof, limiting the visual impact of the development. It is acknowledged that planning permission has been granted for the redevelopment of Hillcroft which incorporated a flat roof with squared off floors. In the context of the constrained dimensions of the site, which tapers significantly towards the front, it is considered that the bulkier vertical emphasis of the development and the appreciably three storey appearance of the building would be visually unacceptable - with the width and height and squared off design sitting uncomfortably in the context of the site which narrows considerably towards the street, as well as being positioned at a high level relative to the lower street.

Where the approved scheme incorporated hipped roofs to each side, which would have afforded views between and beyond development, the block design of the proposed development, including the large areas of vertical timber cladding to the upper storey and the right angle edges of the flat roof would emphasise the width of the building in relation to the width of the site.

It is considered that satisfactory separation to the boundaries is proposed to be provided within this application site, but that the extent of ground floor separation would be of limited visibility from the street scene as a consequence of the tapering nature of the site.

The design of the development and its layout incorporates the provision of a stacking parking system, which is not a common feature in nearby development. The stacking system responds to the need for additional car parking spaces to serve the development as a consequence of the number of units proposed. Where the parking associated with the 4 unit re-development could previously be provided at basement level (appeal scheme) or as a surface car parking area (the subsequent application), the tapering nature of the site with limited frontage width in tandem with the increase in the number of units has resulted in the proposal including the parking system proposed. This is discussed in greater detail in the highways section below.

In terms of the appearance of the development, there is some concern that the raising of cars to a higher level in order to achieve access to the underground space would appear alien and uncharacteristic of the appearance of development within the street scene. It is acknowledged that the width of the site at the front limits to an extent the views to the front and to the parking area. However the proposed parking system would at times result in vehicles positioned at an elevated level relative to the neighbouring sites and to the main hardsurface in which the system would be sited. This would appear jarring and out of character with the site and surroundings.

Density

Table 3.2 of the London Plan outlines suitable residential density figures throughout London, subject to setting and public transport accessibility. Within a suburban location such as this, with a PTAL rating of 2, a residential density of 35-95 units per hectare would be expected for this type of residential development.

The site has an approximate area of 0.1 hectares. The provision of 6 units would therefore result in a site density of 60 units per hectare. Although the density standards should not be applied mechanistically, the proposed density would fall within the recommended range. An assessment of the relationship between the way the units are provided in context with the site topography and shape also falls to be considered.

Standard of residential accommodation

In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

Policies BE1 of the Unitary Development Plan and draft Policy 4 of the Local Plan set 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 Technical 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.

The proposed flats would exceed the minimum space standard for the dwellings of the type proposed. Where obscure glazing is proposed to be provided to the side elevation facing The Hurns (which is the subject itself of an application for planning permission for flatted development), the glazing is provided in the context of open plan kitchen/living/dining rooms where alternative light and outlook sources are available, with the obscure glazing relating to kitchen areas within those larger spaces.

Amenity space is provided by way of balconies/terraces which are generally considered to be acceptable although it is noted that in respect of Flats 1 and 3, these would face towards the stacking parking system at the front, and noise associated with its use and the visual intrusion of its operation would be appreciable from these properties in particular.

It is considered that the proposed layout and space of the flats would provide accommodation of a satisfactory standard of amenity for prospective occupants but that the relationship between the stacking parking system and the front elevations and terraces of the proposed flats at lower ground and ground floor level would have potential to appear visually intrusive. However, the duration of such intrusion would be limited to the individual occasions of use of the system and as such it is not considered that this in isolation would be grounds alone to refuse planning permission. If permission was granted it may be appropriate to impose a condition relating to noise associated with the operation of the stacking parking system and in particular in relation to any audible alarm or warning system associated with it.

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 transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed

London Plan, Unitary Development Plan and draft Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, the Unitary Development Plan and the draft Local Plan should be used as a basis for assessment. In addition, Policy 4 of the Local Plan states in relation to new residential development that parking should be provided in a way that is well integrated within the overall design of development and that the layout of development should give priority to pedestrians and cyclists over the movement and parking of cars.

In addition to a numerical consideration of the number of parking spaces provided, the practicality and utility of spaces falls to be considered and in this case, the adoption of a stacking mechanical parking system may provide in purely numerical terms the number of spaces required, but the actual likely practicality of the system in relation to the number and type of units must be considered.

The applicant was asked to provide further information regarding the operation of the system and the allocation of spaces among the prospective occupants. Additional information was received which included a manufacturer's specification/date sheet.

With regards to the possibility of there being an alarm or alert noise to signal that the system is being used, limited information has been provided although the manufacturer's representative has stated that an acoustic cover can be provided and there may be some scope to install the hydraulic pack which generates noise during operation within the building.

With regards to the height at which the stacked car might sit when the lower space is accessed the smallest height for the top platform is 1.55m above the driveway level and the tallest is 2.25m (with the raised car 3095 itself being positioned upon this platform). It is not clear from the submission which of these dimensions would be relevant to the site development.

With regards to pedestrian safety it is acknowledged that there must always be a barrier protection along any pit edges around the rear and sides - in the case of the current proposal it is noted that there is a separation of approx. 1.2m between the outside of the pits on either side of the pedestrian access, which appears likely to be reduced through the installation of a balustrade so that when/if cars are at a raised position in order for the lower vehicle to rise, the safety of pedestrians would be safeguarded. Information has not been provided regarding the height of these barriers and it is of concern that the barriers in relation to the constrained width of the pedestrian access would be indicative of pedestrian and cycle passage being subordinate to the movement of and parking of vehicles. It is noted that the scheme granted permission under 17/03095 granted permission for the siting of surface car parking spaces in a similar position to the current proposal. However,

in that scheme the pedestrian access to the building was provided to the side of the parking area rather than between the spaces as is currently proposed. It is also noted that the cycle storage area would be sited at lower ground level, accessed between the parking spaces and utilising a trough design cycle rail to address the passage of the bicycles over the stairs leading to that level.

The applicant was asked to clarify whether the lift could be manually operated should there be a power outage and the manufacturer has confirmed that this isn't possible as standard although the manufacturers have a manual operation kit should this be considered necessary. There is no evidence within the company's history of a car being trapped however.

The operator of the system is noted to be in control of the unit during operation so it appears that if a car is raised to access a lower space within the stacker, the raised car can then be brought down to ground level by the operator once the lower car has been accessed. The manufacturer recommends that spaces are allocated to a specific user (for example, Flat 1 could theoretically be allocated a below ground space rather than a surface space) because it is considered that individual drivers are more accustomed to the best way to position cars on the space and individual allocation also allows ownership of the space and ensures it is kept cleaner and operated correctly. Where some sites operate on a first come first served basis, this can cause confusion if the space available is on the bottom level and this cannot be seen.

In addition to the manufacturer's information, the applicant has provided a more detailed plan showing the spaces in relation to retaining walls and to each other.

Concerns have been expressed from a technical highways perspective regarding the constrained width of the site in relation to the retaining walls to the side of the parking area and the extent to which the spaces can be provided without limiting or complicating the pedestrian passage width between the two parking areas.

It is noted that the amendment to the scheme allowed on appeal provided surface parking in front of the building with limited capacity for turning within the site but is considered that the introduction of a stacking parking system so as to provide an increased number of parking spaces to serve the development introduces a less satisfactory pedestrian access to the building, uncomfortably squeezed between the systems with physical safety barriers required in view of the parking pits to either side.

In addition, at busy times there may be a risk of vehicles waiting to access the underground spaces, waiting at a tight point of the site with limited manoeuvring space to either side of waiting cars. This is considered to be unsatisfactory in terms of providing parking spaces that are easily accessible and of a design and siting that would encourage their use rather than resulting in overspill into the adjacent street. It is not considered that the arrangement of the system to serve 6 separate flats would be a practical solution to the lack of frontage space to provide parking in view of the spaces serving unrelated occupiers.

Representations from neighbouring residents have also been received which express concern regarding the proposed parking in relation to the site constraints including the lack of frontage space on the street if additional parking is required or the proposed stacking system proves impractical or experiences technical faults along with other concerns relating to highways and parking matters as well as to the parking provision in the context of neighbouring amenity. These concerns are noted and it is not considered that the submission, including additional information, is sufficiently detailed to address the concerns raised regarding the parking provision.

Neighbouring amenity

Policy BE1 of the Unitary Development Plan and draft Policy 37 of the Local Plan seek to protect the amenities of 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.

The proposed building itself would have a limited impact on the residential amenities of neighbouring properties in terms of light, outlook and privacy, taking into account the planning history of the site, the relationship with neighbouring buildings and the setting of the building partly into the sloping site. However, it is noted from the information provided that raised cars would be positioned on a platform with a minimum height above the parking level of approx. 1.55m, which would lead in the case of the parking spaces to the eastern side of the site frontage to cars periodically being positioned at an elevated level relative to the neighbouring development at The Hurns and also to the front facing windows and terraces of Flats 1 and 3.

On balance, it is not considered that the periodic operation of the parking system would have a significant impact on neighbouring amenity in terms of loss of light and overlooking. However there is limited information regarding whether an alarm or noise would be sounded during the operation of the car lift as a safety measure, and this is a cause for concern in the context of the amenity of the immediately neighbouring properties, including those within the proposed building.

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

Representations have been received which refer to the impact of the development on the character and appearance of the conservation area. The site does not lie within a designated Conservation Area although the opposite side of the road does fall within the Chislehurst Conservation Area. In view of the separation between the development and the CA boundary, and taking into account the narrow site frontage, it is not considered that the proposal would have a detrimental impact on the character and appearance of the Conservation Area. It is noted from the planning history that the impact of previous

developments upon the character and appearance of the conservation area has not been incorporated into grounds for refusal.

Conclusion

It is noted that the Design and Access statement refers to neighbouring sites as informing the design and scale of the development currently proposed. However, the application site is unusual in the context of the layout of development in view of the tapering nature of the site and it is not considered that the development permitted in nearby sites is directly comparable. It is considered that the more constrained shape of the limits the scope for residential development of the size/number of units proposed, taking into account the site's specific characteristics.

It is considered that the scale and bulk of the building resulting from the squared-off elevations/roof results in a more bulky development in the context of the constrained width of the site and this would have an unacceptable impact on the visual amenities of the street scene, with the development appearing cramped within the application site. The width of the building in the context of its design would more conspicuously fill the width of the plot, and this is considered to have an unacceptable impact on the visual amenity of the site and its surroundings.

The proposal would provide 2 additional flats. However in order to provide the additional flats at this site of constrained width and tapering shape, the visual bulk of the building has increased as has the parking provision. The use of a stacking system as a means of meeting the parking needs of the development is considered to comprise an unsatisfactory and incongruous element and there is some lack of confidence in the practicality and utility of the system in the context of the scale and nature of the residential development proposed. The lack of space to the front of the building limits the size of development considered appropriate for the specific site, and the need to provide parking within a stacking system rather than at basement or surface level as previous permitted is considered to be illustrative of the residential development being over-intensive in this particular site. It is considered that the access needs of cyclists and pedestrians have not been considered as a priority, as indicated by the narrow access point provided between the two separate parking areas on the frontage. The need for safety barriers between the parking systems and the path would, it appears, represent a permanent feature which means that even where the parking spaces are vacant, the access would be constrained in width and would not represent a pleasant approach to the flatted building.

Insufficient information has been provided to enable confidence that the parking proposed would be practicable in relation to the width of the site as well as with regards to the appearance of the system, its utility in relation to 6 individual flats and its impact in terms of noise and disturbance to proposed/existing residential properties.

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 18.12.2018 11.12.2018

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1** The proposal, by reason of its scale, design, layout and number of units in the context of the site of limited frontage and constrained shape would represent an over-intensive residential use of the site detrimental to the visual amenities of the street scene, providing an unsatisfactory pedestrian and cycle access and lacking in parking provision of a practical layout and utility, thereby contrary to Policies BE1, T3 and H7 of the Unitary Development Plan, Policies 37, 30, and 4 of the draft Local Plan, Policies 3.5 and 7.4 of the London Plan and the London Housing SPG.

- 2** Insufficient information has been provided to be confident that the proposed parking system would not be detrimental to the residential amenities of neighbouring properties by reason of noise and disturbance occasioned by its operation, thereby contrary to Policy BE1 of the Unitary Development Plan, Policy 37 of the draft Local Plan and 7.6 of the London Plan.