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**London Borough Croydon**



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03-Mar-2016

**PART 7: Planning Applications for Decision**

**Item 7.2**

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**1 APPLICATION DETAILS**

Ref: 15/05247/P  
Location: 40 Orchard Avenue, Croydon, CR0 7NA  
Ward: Shirley  
Description: Demolition of an existing dwelling; erection of a three storey building with basement containing 8 two bedroom flats; formation of associated access and parking  
Drawing Nos: 100c, 101c, 102c, 103c, 104c, 105c, 106c, 107c, S101a Rev A, S102a Rev A, S103a Rev A, arboricultural survey and planning integration report dated 25<sup>th</sup> August 2015, internal daylight study dated 11<sup>th</sup> December 2015  
Applicant: Aventier Limited  
Agent: Planning & Development Associates  
Case Officer: Richard Freeman

- 1.1 This application is being reported to committee as the Monks Orchard Resident's Association made representations in accordance with the Committee Consideration Criteria and requested committee consideration and objections above the threshold in the Committee Consideration Criteria have been received

**2 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 2.1 The proposal would provide additional homes in a residential area and would not result in the loss of any protected use on the site. Therefore, the principle of development is considered acceptable.
- 2.2 The indicative plans submitted with the application demonstrate that the proposal could successfully integrate into the character of the area and the appearance of the street scene.
- 2.3 The siting and layout of the proposed building including the degree of separation between the existing buildings and the proposed building would be sufficient to ensure no undue impact on the residential amenities of the adjoining occupiers.
- 2.4 The proposal would provide adequate accommodation for future occupiers in terms of layout, outlook and amenity space.
- 2.5 The proposed parking and access arrangements would be acceptable in relation to the appearance of the street scene. Furthermore, the proposal would have no significant adverse impact on parking, pedestrian and highway safety.
- 2.6 The indicative landscape plans submitted with the application demonstrate that the proposed development could have a satisfactory relationship with the trees on and around the site.

### **3 RECOMMENDATION**

3.1 That the Committee resolve to GRANT planning permission.

3.2 That the Director of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

#### **Conditions**

- 1) Submission of reserved matters (landscaping and appearance)
- 2) Submission of reserved matters application within 3 years.
- 3) The development to commence no later than 2 years from the date of approval of the last reserved matters.
- 4) Access, parking arrangements to be provided as specified.
- 5) Submission of visibility splays, boundary treatment, bin and cycle details.
- 6) Windows condition.
- 7) Submission of a construction management plan.
- 8) Arboricultural report and tree protection plan as specified.
- 9) Reduction in carbon dioxide emissions.
- 10) 110 litre water restriction.
- 11) Submission of finished materials for approval.
- 12) Any other planning condition(s) considered necessary by the Director of Planning

#### **Informatives**

- 1) Community Infrastructure Levy liability
- 2) Notification of Construction Code of Practice
- 3) Removal of Site Notices
- 4) Natural England standing advice
- 5) Any other informative(s) considered necessary by the Director of Planning

3.3 That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

### **4 PROPOSAL AND LOCATION DETAILS**

#### **Proposal**

4.1 Outline planning permission is sought for:

- 8 two bedroom flats
- Three storey building with basement
- The building would be approximately 15.3m wide, approximately 20m deep (including the two storey element at rear) and approximately 9.0m in height
- Formation of associated access
- Provision of 8 parking spaces
- Separate amenity space would be provided for the basement flats and communal space for the remainder

4.2 The application seeks the approval of the access, layout and scale of the development only, with the appearance and landscaping as reserved matters.

### **Site and Surroundings**

4.3 The application site is occupied by a large two storey detached house with detached double garage at rear adjacent to the boundary with No. 44.

4.4 The surrounding area is residential in character comprising detached houses of varying sizes and sizes, set within varying sized plots.

4.5 The site has a PTAL rating of 2 and there is a Tree Preservation Order 16, 1996 (Beech tree in rear garden).

### **Planning History**

4.6 The following planning decisions are relevant to the application:

96/01902/P Erection of 5 bedroom detached house and detached double garage;  
formation of vehicular access (R/O 40 Orchard Avenue)  
**Approved and Implemented**

13/04258/P Erection of single/two storey side/rear extensions and dormer extensions  
in front and rear roof slopes  
**Approved** and not implemented

13/01816/P Erection of single/two storey front/side/rear/first floor extensions  
**Approved** and not implemented

## **5 CONSULTATION RESPONSE**

5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

## **6 LOCAL REPRESENTATION**

6.1 The application has been publicised by way of one or more site notices displayed in the vicinity of the application site. The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 19      Objecting: 19      Supporting: 0

6.2 The following local groups/societies made representations:

- Monks Orchard Residents Association [objecting]

6.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

### **Objections**

- Increase in traffic/noise

- Loss of privacy/overlooking
- Unacceptable increase in density/overdevelopment and set a dangerous precedent for the future
- Out of character/out of keeping with existing houses/out of character by reason of the siting, massing and scale of both the building and associated parking
- Completely dwarf the property to the left
- Would appear imposing on the surroundings
- Overshadowing
- On-street parking resulting in obstruction to the flow of traffic/congestion
- Provision of flats totally out of keeping with residential area
- Loss of vegetation/removal of shrubs etc. would affect wildlife including birds, badgers and foxes
- In close proximity to schools/risk pedestrian safety
- Increase in noise and disturbance
- Pollution
- Lack of amenity space
- Ceiling heights
- Car parking dominates the frontage/hardstanding having an effect on ground water drainage

6.4 The following issues were raised in representations, but they are not material to the determination of the application:

- Property values/potential loss of earnings (OFFICER COMMENT: This is not a planning consideration)
- Impact on local services (OFFICER COMMENT: This is not a planning consideration)
- Impact on health (OFFICER COMMENT: This is not a planning consideration)

6.5 The following procedural issues were raised in representations, and are addressed below:

- Lack of correspondence (OFFICER COMMENT: Site Notices have been erected in line with Council Protocol)

## **7 MATERIAL PLANNING CONSIDERATIONS**

7.1 The principal issues relate to:

- a. the acceptability of the development in principle
- b. the design of the development and its effect upon the character and appearance of the surrounding area
- c. the quality of accommodation for future occupiers of the dwellings
- d. the effect of the development upon the amenities of the adjoining occupiers
- e. the effect of the development on trees
- f. highways considerations
- g. the environmental performance of the proposed building

### The acceptability of the development in principle

- 7.2 Chapter 6 of the National Planning Policy Framework (NPPF) indicates that housing application should be considered in the context of the presumption in favour of sustainable development and that it is the role of local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 7.3 Policy 3.3 of the London Plan (Consolidated with alterations since 2011) recognises the pressing need for more homes in London and Policy 3.8 states that Londoners should have a genuine choice of homes which meet their requirements for different sizes and types of dwellings in the highest quality environments. Policy SP2 of the Croydon Local Plan: Strategic Policies (CLP1) states that the Council will apply a presumption in favour of new homes provided applications for development meet the requirements of the policy and other applicable policies of the development plan. Policy H2 of the Croydon Replacement Unitary Development Plan (The Croydon Plan) 2006 Saved Policies (UDP) permits housing development within the existing built up area provided it does not conflict with the Council's aim of respecting the character of the residential area and there is no loss of protected uses.
- 7.4 Currently there is one single family dwelling house on the plot. The proposed development would see the erection of a three storey building with basement for 8 flats, which would optimise the use of this previously developed site in a sustainable location. The proposal is therefore acceptable in principle, subject to more detailed consideration of the impacts of the proposal on the character and appearance of the area, the amenities of neighbouring residents, the quality of accommodation for future occupiers, the impact on trees and traffic and highways considerations.

### The design of the development and its effect upon the character and appearance of the surrounding area

- 7.5 The NPPF attaches great importance to the design of the built environment. One of core planning principles (paragraph 17) in the NPPF is that decisions should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policies 7.1, 7.4 and 7.6 of the London Plan state that development should make a positive contribution to the local character, public realm and streetscape. Policies UD2 and UD3 of the UDP and CLP1 Policies SP4.1 and SP4.2 of seek to address high standards of design, the layout and siting of new development and the scale and design of new buildings.
- 7.6 The application seeks outline planning permission for a 3 storey building with a basement, with appearance and landscaping matters reserved for subsequent consideration. Therefore matters relating to the detailed appearance and landscaping of the development are not material to the determination of this application, but illustrative details have been provided to show a possible representation of any future consent.
- 7.7 The area is characterised by a mix of semi-detached and detached dwellings of varying sizes and styles set in various sized plots. Developments have been carried out in the vicinity by way of housing schemes. There is no objection in relation to the provision of a flatted scheme as policy requires residential accommodation of

varying tenures in residential areas. This is subject to achieving an appropriate detailed design and appearance for the development at the reserved matters approval stage, which is in keeping with local character.

- 7.8 With regard to site layout, the siting of the building would be further forward than the existing house. However this would not be in front of the neighbouring property at No. 32. It would therefore be behind the row of detached houses as you approach from Wickham Road, but would be in front of No. 44 which is a detached bungalow as you approach from Orchard Way. The building would be set approximately 3.3m from the boundary with No. 32 and approximately 3.0m from the boundary with No. 44. It is considered the layout of the proposed development in relation to neighbouring properties is considered acceptable.
- 7.9 The proposed building has been shown as two storeys with accommodation in the roofspace and a two storey element at the rear which would be at basement and ground floor levels. No. 32 is a detached two storey house and No. 44 a detached bungalow, with a good degree of separation between them. Given the scale of the development in relation to neighbouring properties, this is considered acceptable.
- 7.10 The frontage would provide a forecourt parking area which would accommodate 8 parking spaces, refuse and soft landscaping. Currently the frontage is part hardstanding and part landscaped. The properties in the vicinity have varying sizes of front gardens with varying degrees of landscaping and hardstanding. Whilst details of landscaping would be reserved for future consideration, an adequate landscaping scheme would soften the appearance of the development in the street scene and would be acceptable.

#### The quality of accommodation for future occupiers of the dwellings

- 7.11 Policy 7.1 states that in their neighbourhoods, people should have a good quality environment. The NPPF attaches great importance to the design of the built environment. One of core planning principles (paragraph 17) in the NPPF is that decisions should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. London Plan Policy 3.5 taken together with the Mayor's Housing SPG requires development of the highest quality and places a strong emphasis on the internal quality of new residential development. Of particular relevance here is standard 4.10 which requires a minimum of 5 sq. m private outdoor space for each 1-2 person dwelling and an extra 1 sq. m for each additional occupant, which should have level access from the home. Also of relevance is standard 5.2 which states that developments should avoid single aspect dwellings that are north facing, exposed to noise levels above which significant adverse impacts on health and quality of life occur, or contain three or more bedrooms. UDP Policy UD8 requires residential amenity space to be considered as an integral part of the design of the overall development concept. With particular regard to internal space, the technical housing standards specify minimum gross internal floor areas for new dwellings.
- 7.12 All of the proposed flats would meet or exceed the minimum internal space requirements in the technical housing standards and would have an acceptable layout and outlook. Private amenity would be provided for the two basement flats (flat 2 and 3) within a sunken garden/lightwell area. The remainder of the flats would use a communal space at rear which would be accessed via the side of the building



adjacent to No. 32. Ordinarily the flats should have access from the rear of the building. However, given the sunken rear element this cannot be achieved. Given the siting of the building in relation to the boundary with No. 32, the indicative landscaping buffer between the access path and building, the fact the proposed window in the south-western elevation would be obscure glazed and the generous rear amenity space this is considered acceptable in this instance.

#### The effect of the development upon the amenities of the adjoining occupiers

- 7.13 Policy UD8 of the Croydon Plan seeks to ensure that new residential development does not have an adverse impact on existing residential occupiers. Policy EP1 states that development that may be liable to cause or be affected by pollution of water, air or soil or pollution through noise, dust, vibration, light, heat or radiation will only be permitted if the health, safety and amenity of users of the site or surrounding land are not put at risk and the quality and enjoyment of the environment would not be put at risk. The adjacent buildings are residential.
- 7.14 The building would be set in approximately 3.3m from the boundary with No. 32. There is a mixture of boundary treatment along the side boundary between No. 32 and No. 40. The proposed building closest to the boundary would project approximately 8.0m beyond this neighbour's rear wall.
- 7.15 The building would be set in approximately 3.0m from the side boundary with No. 44. Due to the layout of the proposed building, the two storey building with accommodation in the roofspace would not significantly project beyond No. 44's garage which is located adjacent to the boundary. The proposed ground/basement would project approximately 4.2m beyond No. 44's rear wall.
- 7.16 Given the siting of the neighbouring properties in relation to the siting of the proposed building, the scale of the development is considered acceptable with regard to the impact on the adjacent properties in terms of outlook, light and visual impact.
- 7.17 Based on the information submitted in the indicative drawings it is not anticipated that an unacceptable degree of overlooking or loss of privacy would arise. Restrictions on the positioning of windows in the flank wall of the building can be secured by condition.
- 7.18 Whilst the proposal would result in an increase in the levels of activity on site as a result of the intensification in the use of the site, it is not considered that any additional impact would be so significant to warrant the refusal of planning permission.

#### The effect of the development on trees and wildlife

- 7.19 London Plan policy 7.21 states that existing trees of value should be retained and any loss as the result of development should be replaced. UDP Policy NC4 states that the Council will refuse permission for development that results in the loss of valued tree(s) especially those protected by Tree Preservation Orders. CLP1 Policy SP7.4 states that the Council will enhance biodiversity across the borough, including the protection and enhancement of sites of importance for biological and geological diversity.

- 7.20 There is a tree preservation order on the site. There is a large mature preserved Beech tree (TPO 16, 1996) situated at the back of the rear garden. An arboricultural report has been provided and has shown all trees to be retained with appropriate tree protection measure put in place. No arboricultural objection has been raised to the proposed development subject to the arboricultural report and tree protection plan being conditioned.
- 7.21 A representation was received with regards to impact on wildlife. If protected wildlife is found it is recommended the standing advice provided by Natural England is followed.

#### Traffic and highways impacts

- 7.22 Chapter 4 of the NPPF seeks to promote sustainable transport. Policy 6.13 of the London Plan indicates that a balance should be struck between promoting development and preventing an excessive parking provision. Policies T8 and T2 of the Croydon Plan (2006) Saved Policies 2013 respectively require development to make appropriate provision for car parking on site and to ensure that traffic generated does not adversely affect the efficiency of nearby roads. Policy UD13 of The Croydon Plan 2006 Saved Policies 2013 states parking should be safe, secure, efficient and well designed and an integral part of the scheme.
- 7.23 The site has a PTAL 2 which means it has a low accessibility to public transport. The development would be served by 8 off street parking spaces, providing parking at a 1:1 ratio. The access into the site shows one central access. Visibility splays can be secured by condition.
- 7.24 The level of parking accords with policy and is acceptable. With the securing of sight lines and visibility splays the access would meet the necessary requirements. The proposal would therefore comply with Policy T8 of the Croydon Replacement Unitary Development Plan (The Croydon Plan 2006) Saved Policies 2013 and Policy 6.13 of the London Plan.
- 7.25 Cycle stores are proposed at side and rear for 8 bicycles. It is recommended for 16 spaces to be provided however this can be secured by way of a planning condition.

#### The environmental performance of the proposed building

- 7.26 Policy SP6 of the Croydon Local Plan: Strategic Policies requires development to make the fullest contribution to minimising carbon dioxide emissions in accordance with the London Plan energy hierarchy. Policy SP6.3 requires new build residential development to achieve a minimum of Level 4 of the Code for Sustainable Homes or equivalent. Following the withdrawal of the Code earlier this year, the equivalent standard being sought on new build residential development is a 19% reduction in CO2 emissions produced by the development (beyond the 2013 Building Regulations) and a water use target of 110 litres per head per day to be achieved. It is recommended that these matters can be secured by condition in the event that planning permission is granted.
- 7.27 Several objections received have sited flooding as a concern. However the site is not within a designated area known to be at risk of flooding. The application does

not include detailed drainage proposals to deal with surface water management. However these could be picked up through the soft landscaping reserved matters to ensure suitably permeable materials and soft landscaping is utilised.

### **Conclusions**

- 7.28 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.