

PLANNING SUB-COMMITTEE  
Thursday 12<sup>th</sup> August 2021

**- ADDENDUM TO AGENDA -**

**Item 5.1 – 226 Addington Road, South Croydon, CR2 8LD**

Additions

An additional refusal reason should be included in 2.1 as follows:

4. The development fails to demonstrate how it would ensure the safety of all buildings users in relation to fire, thereby conflicting with Policy D12 of the London Plan 2021.

An additional paragraph is included after 3.31 as follows:

21/04116/FUL - Demolition of existing garage, showroom and upper uses. Reuse of existing undercroft and erection of a stepped 6 storey building comprising 37 flats (Class C3) and a ground floor commercial unit (Class E) – under consideration.

Amendments

Refusal reason 2 in 2.1 should be amended as follows:

The development would be detrimental to the amenities of the occupiers of the host and adjoining property by reason of visual intrusion and poor outlook and would thereby conflict with Policies SP4 and DM10 of the Croydon Local Plan (2018) and Policies D3 and D14 of the London Plan (2021) and the Suburban Design Guide - Supplementary Planning Document (April 2019).

Paragraph 7.2 is amended to read:

Government guidance is contained in the National Planning Policy Framework (NPPF), revised in July 2021. The NPPF sets out a presumption in favour of sustainable development, requiring that development which accords with an up-to-date local plan should be approved without delay.

Paragraph 7.4 is amended to read:

For clarity, the Croydon Local Plan 2018, London Plan (2021) and South London Waste Plan 2012 remain the primary consideration when determining planning applications.

Paragraph 8.6 is amended to read:

The National Planning Policy Framework (NPPF) (July 21) outlines the Government's requirements for the planning system and establishes how these will be addressed.

Paragraph 8.20 is amended to read:

The Housing SPG states in 2.1.1 “The Mayor is clear that one of his key planning priorities is “to improve standards for the quality and design of housing, making sure that homes meet the needs of a changing population throughout their lives, and are built to the highest environmental standards”. The London Plan (LP) reflects this and promotes design quality in all new homes to enhance and extend London’s architectural heritage and deliver higher design standards for everyone. The Mayor’s aim is to deliver new housing in all tenures which is fit for purpose in the long term; comfortable, safe, accessible, environmentally sustainable, and spacious enough to accommodate the changing needs of occupants throughout their lifetimes”.

In 2.3.2 The ‘arrival’ at a building, the design of shared circulation and lift access, car parking provisions and areas for cycle storage are important factors in making housing safe and secure, welcoming and accessible for all. The standards recognise that many new homes in London will be flats, and that the design of the shared circulation areas will be critical to the success of new developments. Many of these standards are based on accessibility and adaptability principles, which have been requirements for new housing in London for a number of years”.

Paragraph 6.1 (at the end of the report in OTHER MATTERS) is amended to read:

No fire statement has been submitted as required by policy D12 of the London Plan and therefore forms one of the recommended reasons for refusal.

### **Item 5.2 – 82 Pollards Hill North, Norbury, SW16 4NY - 20/03623/FUL**

#### **Additions**

An additional condition should be included in 2.1 as follows:

Submission of stability report to be approved and any required mitigation carried out in accordance with the agreed works

Additional paragraphs are included after 8.40 as follows:

While Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework (July 2021) states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decision should ensure that a site is suitable for its new use taking account land stability and any proposals for mitigation, with adequate site investigation information, prepared by a competent person.

The submitted Drainage report confirms the geology of the site is London Clay. There are ground stability issues that affect clay; usually the effects of shrinkable clay are sufficiently well known and its mitigation sufficiently straightforward that the Building Regulations provide full control and clay shrinkage is not often considered in relation to individual planning applications in affected areas. Accordingly it is considered a refusal cannot be justified on risk grounds, since most potential subsidence problems can be minimised by careful site investigation followed by appropriate ground treatment or the adoption of sufficiently robust foundation. Furthermore, in this instance there is the apparent successful construction of a building at the Vicarage. However, in light of the representations received it would be prudent and justifiable to adopt a precautionary approach and secure by condition a stability report. The condition would be worded so that it is prepared by a competent person and would be required to ascertain whether the proposed development will be affected or will have an adverse effect on the structural stability of land and properties adjoining the site and shall include a scheme for any necessary remedial measures should they be required.

#### Amendments

Paragraph 8.29 is amended to read:

Two car parking spaces would be provided for each of the 4 bedroom units and five spaces would be provided between the 3 x 3 bedroom units. Whilst the London Plan maximum parking standards is 1.5 spaces per home (so a total of 7.5 spaces), the scheme proposes 9. Given the low PTAL, family accommodation proposed, level of representation received in relation to potential for parking overspill and space within the site to accommodate them without compromising soft landscaping, officers consider this would be an acceptable provision. Two of the spaces would have active electric vehicle charging points (EVCPs).

#### Representation

One additional representation was received in relation to the tree loss and the previously refused and dismissed (08/01432/P). Both matters were covered in the officer report, but are expanded on below for completeness.

As stated in 3.4 of the officer report 08/01432/P was refused and dismissed on character and appearance and living conditions for future residents' grounds. The Appeal Inspector did raise concerns with tree loss and policy NC4 at the time. That scheme proposed 4 new houses and the loss of 4 TPO trees, whilst the current scheme proposes 5 new houses and the loss of 15 TPO trees.

The key points to draw to member's attention are the following:

- That Inspector's decision was in 2009
- The NPPF was first brought in in 2012 and was updated in July of last year, which, in part, seeks the delivery of new homes
- The Croydon Local Plan was adopted in 2018 with an increased housing need
- The London Plan was adopted in 2021 which saw an increased housing need

- The current scheme proposes 20 new trees, so a net gain of 5 trees

Whilst the history is clearly a material consideration, officers are of the view that on balance, given the need for homes in current policy combined with the uplift in trees secured the loss of trees is acceptable.