

PART 6: Planning Applications for Decision

Item 6.2

**1 APPLICATION DETAILS**

Ref: 22/05186/FUL  
 Location: 176 and 178 Orchard Way, Croydon, CR0 7NN  
 Ward: Shirley North  
 Description: Demolition of existing dwellings, erection of four pairs of two storey 3-bed semi-detached dwellings with roof accommodation with car parking; formation of accesses onto Sloane Walk together with a new pavement; and provision of cycle, refuse stores and soft landscaping  
 Drawing Nos: UT-A01, UT-A02, UT-A03, UT-A04, UT-A11, UT-A12, UT-A13, UT-B01, UT-B02, UT-B03, P01  
 Applicant: David James,  
 Agent: Simon Grainger  
 Case Officer: Victoria Bates

<b>Housing Mix</b>					
	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>TOTAL</b>
<b>Existing</b>	-	1	1	-	2
<b>Proposed</b> (market housing)	-	-	8	-	8
<b>TOTAL</b>	-	-	8	-	8

<b>Vehicle and Cycle Parking (London Plan Standards)</b>	
<b>PTAL: 1a</b>	
<b>Car Parking maximum standard</b>	<b>Proposed</b>
1.5 per home (12 in total)	1/2 per home (12 in total)
<b>Long Stay Cycle Storage minimum</b>	<b>Proposed</b>
16	16
<b>Short Stay Cycle Storage minimum</b>	<b>Proposed</b>
0	0

1.1 This application is being reported to committee because:

- Councillor Chatterjee and Councillor Bennett made representations in accordance with the Committee Consideration Criteria and requested committee consideration.
- Objections above the threshold in the Committee Consideration Criteria have been received.

**2 RECOMMENDATION**

2.1 That the Committee resolve to GRANT planning permission.

2.2 That the Director of Planning Sustainable Regeneration is delegated authority to issue the planning permission subject to the prior completion of a legal agreement to secure the following planning obligations:

1. Sustainable transport contribution of £12,000
2. Monitoring fee
3. Payment of the Council's reasonable legal costs
4. Any other planning obligation(s) considered necessary by the Director of Planning and Sustainable Regeneration

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

### **Conditions**

- 1) Commencement time limit of 3 years
- 2) Carried out in accordance with the approved drawings

#### Pre-commencement

- 3) Submission of Construction Logistics Plan
- 4) Submission of drainage details
- 5) Submission of services and drainage in relation to tree roots

#### Prior to above ground floor slab level

- 6) Submission of external facing materials
- 7) Submission of hard and soft landscaping
- 8) Details of refuse and cycle stores
- 9) Biodiversity enhancement strategy
- 10) Section 38 agreement entered into for adoption and maintenance of footpath

#### Pre-occupation

- 11) Wildlife sensitive lighting design scheme

#### Compliance

- 12) Tree protection and planting
- 13) Ecological appraisal recommendations
- 14) Compliance with Fire Statement
- 15) Installation of at least 20% Electric Vehicle Charging Points
- 16) Energy efficiency and water usage
- 17) All units to be to M4(2) accessibility standard
- 18) Removal of permitted development rights
- 19) Any other planning condition(s) considered necessary by the Director of Planning and Sustainable Regeneration

### **Informatives**

- 1) Granted subject to a Section 106 Agreement
- 2) Community Infrastructure Levy
- 3) Highways informative in relation to s278 and s38 works required
- 4) Any other informative(s) considered necessary by the Director of Planning and Sustainable Regeneration

2.4 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.

2.5 That, if by 3 months of the committee meeting the legal agreement has not been completed, the Director of Planning and Sustainable Regeneration is delegated authority to refuse planning permission.

### 3 PROPOSAL AND LOCATION DETAILS

#### Proposal

3.1 Full planning permission is sought for the demolition of the two existing dwellings (numbers 176 and 178 Orchard Way) and subsequent erection of four pairs of two storey 3-bed semi-detached dwellings with roof accommodation, together with car parking, formation of accesses onto Sloane Walk together with a new pavement and provision of cycle, refuse stores and soft landscaping.



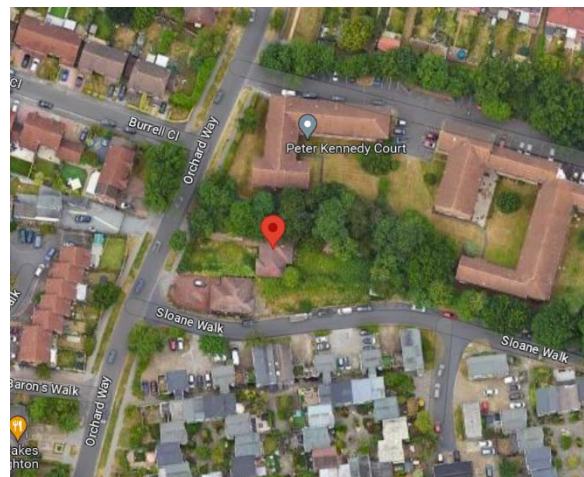
Figure 1: Streetscene elevation from Sloane Walk

#### Amendments

3.2 One amendment has been secured during the course of processing the application: the car parking space closest to the junction with Orchard Way (one of two spaces for House 1) was relocated to House 7. No additional crossover was required to facilitate this space and as it is minor in nature no re-consultation was necessary.

#### Site and Surroundings

3.3 The application site contains two detached bungalows on the eastern side of Orchard Way. The bungalow at 176 Orchard Way is adjacent to Sloane Walk to the south.



Figures 2 and 3: Site location plan (left) and aerial photograph (right)

3.4 The bungalows have large front gardens with off-street parking accessed solely from Orchard Way. There is no vehicular access currently from Sloane Walk. The

bungalows are set back approximately 12-13 metres from the back edge of the pavement. They also have rear gardens with a slope downwards from west to east.

- 3.5 The bungalow at No.178 is in a very poor state of repair (and potentially not fit for habitation). The rear garden of 178 has a derelict outbuilding and its rear garden is heavily overgrown with brambles. The rear garden of No.176 is laid to lawn and well maintained. The total site frontage is 24 metres and maximum depth of 61 metres giving a total site area of 1,467 square metres (0.14 hectares).
- 3.6 Sloane Walk is a 2 and 3 storey housing estate with a 1960's contemporary design. The road itself is relatively narrow with no pavement on either side of the road. Cars were parked along the northern edge at the time of the officer's site visit. To the north and east of the site is Peter Kennedy Court, a residential estate which comprises two relatively large 2 and 3 storey buildings containing flats.
- 3.7 There are no Tree Preservation Orders (TPO) specific to either 176 or 178 Orchard Way, however there are a number of significant trees located on the Peter Kennedy Court site which partially overhang the northern part of the application site (at 178 Orchard Way). These trees are protected by an area TPO No. 41 (1979).
- 3.8 The site has a PTAL (Public Transport Accessibility Level) of 1a which is low (on a scale of 0-6b). There are double-yellow lines at the junction of Orchard Way / Sloane Walk. Orchard Way is a Local Distributor Road.

### **Planning Designations and Constraints**

- 3.9 The site is subject to the following formal planning constraints and designations:
- PTAL: 1a
  - Flood Risk Zone: 1

### **Planning History**

- 3.10 The following planning decisions are relevant to the application:

21/06038/FUL Demolition of existing dwellings, erection of three pairs of two storey 3-bed semi-detached dwellings with roof accommodation and one pair of two storey 2-bed semi-detached dwellings with car parking, formation of accesses onto Sloane Walk together with a new pavement, and provision of cycle, refuse and recycling stores and soft landscaping. **Refused** in June 2022 on grounds of design of units 7 and 8, loss of amenity, highways safety and parking stress, vehicle access, absence of a legal agreement, and harm to protected trees.

21/01635/FUL Demolition of existing dwellings, erection of three pairs of two storey 3-bed semi-detached dwellings with roof accommodation and one pair of two storey 2-bed semi-detached dwellings with car parking, formation of accesses onto Sloane Walk together with a new pavement, and provision of cycle, refuse and recycling stores and soft landscaping. **Refused** in July 2021 on grounds of layout, design of units 7 and 8, loss of amenity, highways safety and parking stress, vehicle access, absence of a legal agreement, harm to protected trees, ecology and fire safety.

**Appeal dismissed** in June 2022 on design of units 7 and 8 and failure to adequately demonstrate biodiversity net gain only.

- 19/05114/PRE Demolition of two bungalows; Erection of 3-4 storey buildings with 19 flat.
- 18/02941/PRE Demolition of two bungalows; Erection of 8 two storey houses (6x3 bedroom, 2x2 bedroom).
- 05/04112/P Demolition of existing buildings, erection of a three storey building comprising 14 two bed flats and provision of associated car parking and amenity space.

#### **4 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- The principle of the residential development is acceptable given the residential character of the surrounding area and the need for housing.
- The scheme would provide 8 family sized houses with good sized gardens and acceptable accommodation for future residents.
- The proposed development would be acceptable in terms of its design and impact on character of the area, particularly when giving weight to the Inspectors decision for 21/01635/FUL.
- The scheme would not cause significant harm to neighbouring amenity, particularly when giving weight to the Inspectors decision for 21/01635/FUL.
- The properties would each have at least one off street car parking space and would not impact upon highway safety and efficiency, particularly when giving weight to the Inspectors decision for 21/01635/FUL.
- The proposal's impact on trees, particularly when giving weight to the Inspectors decision for 21/01635/FUL, is acceptable.
- The scheme would encourage biodiversity net gain.
- All remaining sustainability aspects can be controlled by conditions.

#### **5 CONSULTATION RESPONSE**

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

5.2 The following were consulted regarding the application:

##### **London Borough of Bromley (Statutory Consultee)**

5.3 No objection is raised, although they do state the LBB Highway Authority have advised that the parking area adjacent to Orchard Way is too close to the junction of Orchard Way and Sloane Walk.

#### **6 LOCAL REPRESENTATION**

6.1 A total of 101 neighbouring properties were notified about the application and invited to comment. 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: 54      Objecting: 53      Supporting: 0      Neutral: 1

6.2 The following local groups/societies made representations which are summarised below:

Monks Orchard Residents Association [objecting]

- Building line should be set back
- Parking space for unit 4 is irrational
- Overdevelopment
- Density too high
- Loss of privacy
- Overlooking
- No storage shown on plans
- No electric vehicle charging points
- Maintenance issues with shared areas [Officer comment: this is not a material planning consideration]

6.3 The following Councillor made representations which are summarised below:

Councillor Chatterjee [objecting]

- No scale bar [Officer comment: the plans are 'to scale' and can be scaled correctly]
- Unacceptable increase in density
- Lack of clarity over path
- Lack of privacy
- Unit 5's parking space is inappropriate
- Two car parking space in line would be a hazard
- Impractical parking layout
- Lack of visibility onto Orchard Way
- No electric vehicle charging points
- Out of character
- Loss of privacy
- Overlooking

6.4 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:

<b>Objection</b>	<b>Officer comment</b>
<b>Character and design</b>	
Overdevelopment Out of character Too dense	This is covered in paragraphs 8.7-8.12
<b>Neighbouring amenity</b>	
Overlooking Loss of light Loss of privacy	This is covered in paragraphs 8.18-8.23
<b>Quality of accommodation</b>	
Lack of privacy	This is covered in paragraphs 8.15
<b>Transport and Highways impacts</b>	
Loss of parking Insufficient parking for proposed houses Pedestrian safety	This is covered in paragraphs 8.28-8.39

Lack of privacy Unsafe access	
Tress and ecology	
Loss of green space	This is covered in paragraphs 8.24-8.27
Other	
No affordable housing	As this development has less than 10 units, it is not eligible for affordable housing.

## 7 RELEVANT PLANNING POLICIES AND GUIDANCE

### Development Plan

7.1 The Council's adopted Development Plan consists of the London Plan (2021), the Croydon Local Plan (2018) and the South London Waste Plan (2012). Although not an exhaustive list, the policies which are most relevant to the application are:

#### London Plan (2021)

- GG1 Building Strong and Inclusive Communities
- GG2 Making the Best Use of Land
- GG3 Creating a Heathy City
- GG4 Delivering the Home London Needs
- GG6 Increasing Efficiency and Resilience
- D1 London's form, character and capacity growth
- D3 Optimising site capacity through the design led approach
- D4 Delivering Good Design
- D5 Inclusive Design
- D6 Housing Quality and Standards
- D7 Accessible Housing
- D12 Fire Safety
- H1 Increasing housing supply
- H2 Small sites
- H10 Housing size mix
- S4 Play and informal recreation
- G5 Urban Greening
- G6 Biodiversity and access to nature
- G7 Trees and Woodlands
- SI 2 Minimising Greenhouse Gas Emissions
- SI 8 Waste Capacity and Net Waste Self-Sufficiency
- SI 12 Flood Risk Management
- SI 13 Sustainable Drainage
- T4 Assessing and Mitigating Transport Impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential Parking
- T7 Deliveries, Servicing and Construction

## Croydon Local Plan (2018)

- SP2 Homes
- SP4 Urban Design and Local Character
- SP6 Environment and Climate Change
- SP8 Transport and communications
- DM1 Housing Choice for Sustainable Communities
- DM10 Design and Character
- DM13 Refuse and Recycling
- DM16 Promoting Healthy Communities
- DM23 Development and Construction
- DM25 Sustainable Drainage Systems and Reducing Flood Risk
- DM27 Biodiversity
- DM28 Trees
- DM29 Promoting Sustainable Travel and Reducing Congestion

7.2 The Development Plan should be read as a whole, and where policies conflict with each other, the conflict must be resolved in favour of the policy contained in the last document to be adopted, approved or published as part of the development plan, (in accordance with s38(5) of the Planning and Compulsory Purchase Act 2004).

## **Planning Guidance**

### National Planning Policy Framework (NPPF)

7.3 Government Guidance is contained in the NPPF, updated on 20 July 2021, and accompanied by the online Planning Practice Guidance (PPG). 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. The NPPF identifies a number of key issues for the delivery of sustainable development, those most relevant to this case are:

- Delivering a Sufficient Supply of Homes
- Promoting Sustainable Transport
- Achieving Well Designed Places

### SPDs and SPGs

7.4 There are also several Supplementary Planning Documents (SPD) and Supplementary Planning Guidance (SPG) documents which are material considerations. Although not an exhaustive list, the most relevant to the application are:

- London Housing SPG (March 2016)
- London Mayoral Affordable Housing SPG: Homes for Londoners (August 2017)
- Technical Housing Standards: Nationally Described Space Standard (2015)

### Additional Guidance

7.5 The following guidance has not been formally adopted as statutory planning guidance but is material to the assessment of planning applications:



- Section 106 Planning Obligations in Croydon and their relationship to the Community Infrastructure Levy (2019)
- Waste and Recycling in Planning Policy Document (October 2018)
- National Design Guide (2021)
- National Model Design Code (2021)

## **8 MATERIAL PLANNING CONSIDERATIONS**

8.1 The main planning issues raised by the application that the committee must consider are:

1. Principle of development
2. Design and impact on character of the area
3. Quality of residential accommodation
4. Impact on neighbouring residential amenity
5. Trees, landscaping and biodiversity
6. Access, parking and highway impacts
7. Flood risk and energy efficiency
8. Other planning issues
9. Conclusions

### **Principle of development**

- 8.2 The Croydon Local Plan sets out a housing target of 32,890 homes over a 20-year period from 2016-2036 (1,645 homes per year). The London Plan requires 20,790 of those homes to be delivered within a shorter 10 year period (2019-2029), resulting in a higher target of 2,079 homes per year.
- 8.3 The Croydon Local Plan also sets out a target for development on Windfall sites of 10,060 homes (approximately 503 per year). The London Plan requires 6,410 net completions on small sites (below 0.25 hectares in size) over 10 years, with a small-sites housing target of 641 per year.
- 8.4 London Plan policy D3 encourages incremental densification to achieve a change in densities in the most appropriate way and policy H2 seeks to increase the contribution of small sites to meeting London's housing needs. London Plan policy H2 promotes incremental intensification with PTAL 3-6 or within 800m distance of a station or town centre boundary. This site has a PTAL 1a and lies over 800m from a station or town centre boundary, so the site is not appropriate for incremental densification as identified in H2. Notwithstanding, the site is a small site, with H2 requiring them to make a substantially greater contribution to supply of homes.
- 8.5 Given the above, an increase in the number of homes on the application site (which has an area of 0.14 hectares and thus meets the definition of a small site) would contribute towards the above targets. Furthermore, there is extensive history, including an appeal decision where no objection has been raised on the principle of redevelopment of the site for new homes. Therefore the principle of redeveloping the site for residential purposes is acceptable subject to achieving a high quality development and other provisions of the development plan as assessed in this report.
- 8.6 Policy SP2.7 of the Croydon Local Plan (2018) promotes the provision of the strategic target of 30% of proposed new residential accommodation as 3 bedroom or more family accommodation and DM1.2 seeks to restrict loss of 3 bedroom family dwellings

and small family homes less than 130sqm. The existing bungalow at 176 Orchard Way has 3 bedrooms and 178 Orchard Way has 2 bedrooms, both with floor areas less than 130sqm. The development would result in eight 3 bedroom family homes, so a net gain in seven 3 bedroom homes, all of which would have a floorspace under 130sqm, so a net gain in small family homes of six (which would also be protected by the policy) and is considered acceptable. Therefore the proposal would comply with DM1.2 and would exceed the strategic target for 3 bedroom homes set by SP2.7 of the Croydon Local Plan.

### Design and impact on character of the area

- 8.7 Policy D3 of the London Plan state that development should make a positive contribution to the local character, public realm and streetscape. It should incorporate the highest quality materials and design appropriate to its context. Policy DM10 of the Croydon Local Plan requires the siting, layout and form of new development to respect the character and appearance of existing areas. Policies SP4.1 and SP4.2 of the Croydon Local Plan also require development to be of a high quality which respects and enhances local character.
- 8.8 Critical to assessment of this scheme is the appeal Inspector's decision pursuant to 21/01635/FUL. It is important to note the appeal decision was received after the 21/06038/FUL application was refused permission.



Figures 4 and 5: Site layout for 21/01635/FUL (left) and current application (right)

- 8.9 In the appeal decision for 21/01635/FUL the Inspector made the following assessment:
- “Altogether, the area exhibits an appreciable mix of residential designs which create a degree of flexibility within which new development can come forward. The proposal would deliver two storey semidetached dwellings of various bedroom configurations at the site. Dwellings at plots one through to six would comprise dormer windows in the roof space and would be of a design which generally conforms with other dwellings in the vicinity. However, dwellings at plots seven and eight would comprise an outrigger design at their frontage, which is markedly different in appearance compared to the design of the other proposed dwellings or other dwellings in the area more broadly.”*
- 8.10 The proposed application shows the same design for plots one to six which the Inspector previously found to be acceptable in design terms. The dwellings at plots seven and eight have been revised, removing the outrigger to match plots five and six. Based on the Inspector's comments and subsequent changes to plots seven and eight

the design is now considered to be in conformity with DM10 of the Croydon Local Plan and D3 of the London Plan.

- 8.11 A refusal reason of previous applications has been the domination of hardstanding at the front of the dwellings for car parking. The Inspector did not uphold this refusal reason stating:

*“I am nonetheless satisfied that the position of parking to the front gardens and side of the outriggers, when coupled with the proposed landscaping, which could be secured by conditions, would not, in this case, be harmful to the character or the appearance of the area here.”*

- 8.12 In summary, significant weight should be given to the appeal decision of 21/01635/FUL in which the Inspector determined that the design of dwellings 1-6 would conform with other dwellings in the vicinity and now the design of 7-8 have been revised accordingly, overcoming this concern. Weight should also be applied to the layout of the forecourts, where the Inspector found no harm to the streetscene. In officers view the proposal would therefore comply with DM10 of the Croydon Local Plan and D3 and D4 of the London Plan.

### Quality of residential accommodation

- 8.13 London Plan Policy D6 states that housing developments should be of a high quality and provide adequately sized rooms with comfortable and functional layouts. It sets out minimum Gross Internal Area (GIA) standards for new residential developments. CLP policy SP2.8 requires residential development to comply with the minimum standards set out in the Mayor of London’s Housing Supplementary Planning Guidance and National Technical Standards (2015).

Unit	Size (bedroom/person)	GIA (sqm) proposed	Min. GIA (sqm)	Amenity Space (sqm)	Min. Amenity Space (sqm)	Built in storage space (sqm)	Min. built in storage space (sqm)
1	3b/5p	113	99	48	8	4	2.5
2	3b/5p	111	99	52	8	4	2.5
3	3b/5p	111	99	55	8	4	2.5
4	3b/5p	111	99	62	8	4	2.5
5	3b/6p	119	108	63	9	4	2.5
6	3b/6p	119	108	107	9	4	2.5
7	3b/6p	119	108	100	9	4	2.5
8	3b/6p	119	108	147	9	4	2.5

*Table 1: scheme considered against London Plan Policy D6 and Table 3.1*

- 8.14 All units exceed the internal space standards and external amenity standards and would be dual aspect which allow for cross ventilation and good lighting. The standard of accommodation would be high quality and would in many cases exceed minimum space standards.

- 8.15 Units five, six, seven and eight would have kitchen/dining room ground floor front windows located 0.60m from the proposed public footpath. Given that there would be a landscaping buffer area between the footpath and the window, the size of the room and the fact this arrangement was found acceptable in the 21/01635/FUL scheme (units 5 and 6 at that time) this is considered acceptable and would not cause significant harm to privacy to these rooms as a whole.

- 8.16 Good design promotes quality of life for the occupants and users of buildings. In terms of accessibility all of the houses would appear to be capable of being M4(2) compliant. These units would be secured by condition, subject to building control approval.
- 8.17 London Plan (2021) policy D12 Fire Safety requires all development proposal to achieve the highest standards of fire safety. Paragraph 3.12.1 states that fire safety of developments should be considered from the outset and D12 sets out six requirements that should be achieved on all developments. A Fire Statement has been submitted which addresses this policy.

### **Impact on neighbouring residential amenity**

- 8.18 Policy D3 of the London Plan indicates that in their neighbourhoods, people should have a good quality environment. Policy DM10 of the Croydon Local Plan requires the Council to have regard to the privacy and amenity of adjoining occupiers. Policy DM10.6 states that the Council will ensure proposals protect the amenity of occupiers of adjoining buildings and will not result in direct overlooking into their habitable rooms or private outdoor space and not result in significant loss of existing sunlight or daylight levels. Policies SP4.1 and SP4.2 seek to respect and enhance character, to create sustainable communities and enhance social cohesion and well-being.
- 8.19 One of the refusal reasons for 21/01635/FUL was the impact of the proposal on the amenity of the closest properties on Sloane Walk. There are two first floor bedroom windows at 26 and 30 Albany Court which are 11 metres from the front elevation of unit 5 which is the closest relationship. Otherwise there is a separation distance between 17 metres and 25 metres to the properties on Sloane Walk. The Inspector did not uphold this refusal reason stating;

*“Overall, based on the current evidence, the proposal would not harm the living conditions of neighbouring occupiers in relation to privacy. Accordingly, the proposal would comply with Policies D3 and D4 of the London Plan 2021 and Policies SP4.2 and DM10.6 of the Croydon Local Plan 2018, and Croydon's Suburban Design Guide Supplementary Planning Document 2019 and the National Model Design Code Part 2 Guidance Notes 2021. Among other things, these seek to protect against direct overlooking at close range and at habitable rooms in main rear or private elevations.”*

- 8.20 In terms of units 5, which has the closest relationship, there is no difference between the scheme considered by the Inspector and the current application. The key change is to units 7 and 8, which would each have an additional bedroom window at roof level from the appeal scheme. These windows would be set 18m from Belgrave Court, so at a greater distance than accepted by the Inspector in relation to unit 5 and therefore acceptable. This alone is not a substantially different from the previous scheme as the separation distances and overall layout is the same.
- 8.21 Baron's Walk is located on the other side of Orchard Way. The rear of these properties face onto Orchard Way. The side of unit 1 would be located 26 metres from the rear of 21-23 Baron's Walk. This separation distance is sufficient to avoid significant harm to the amenities of these neighbours.
- 8.22 The distance of the northern rear elevation of the proposed houses to the nearest southern elevation flank of Peter Kennedy Court to the north would be at least 21 metres and it is noted there is extensive mature tree coverage on the northern

perimeter of 178 Orchard Way, which would in any event prevent any adverse loss of privacy.

8.23 On this basis, the proposal is not considered to cause harm to neighbouring amenity.

### **Trees, landscaping and biodiversity**

8.24 London Plan Policy G7 and Croydon Local Plan policy DM10.8 and DM28 seek to retain existing trees and vegetation and seek biodiversity net gain. There are trees on the other side of the boundary to the north that overhang the site. These trees are subject to a TPO. There are no ecological designations on the site.

8.25 Application 21/01635/FUL was refused, in part, on potential post development pressure to protected trees, lack of information of levels and service. The Inspector did not uphold this ground and stated that there was no evidence that post development pressure would occur and that details of levels and services could be dealt with by condition. Subsequently, a condition would be attached to this permission seeking such measures, prior to the commencement of development. The Tree Officer has no objection to the scheme.

8.26 Five category C trees will be removed; none of which are protected by a TPO. Eight trees are proposed; six silver birches along the frontage of the site and two Rowan trees on the boundary with Peter Kennedy Court. Both species are native.

8.27 In terms of ecology, the Inspector did agree with the Council that there should be a biodiversity net gain under Paragraph 179(b) of the National Planning Policy Framework. Along with a Report of Ecological Walkover (to update the findings of the Preliminary Ecological Appraisal); a Biodiversity Metric calculation has been undertaken which shows a net gain of 0.13. This has been reviewed by the Council's Ecologists and is considered satisfactory subject to condition. This overcomes the previous refusal reason.

### **Access, parking and highway impacts**

8.28 The site currently has off-street parking for both the existing bungalows with vehicle accesses from Orchard Way. The site is not within or near to a Controlled Parking Zone, however, there are double yellow lines at the junction of Sloane Walk and Orchard Way. The site has a PTAL of 1a which is poor.

8.29 As existing, both bungalows have crossovers on Orchard Way and there is a fence along the boundary with Sloane Walk. There is no footpath along this boundary or the other side of Sloane Walk. Cars currently park along the northern side of Sloane Walk, so outside the application site.

8.30 Four units would have two car parking spaces and four units would have one car parking space. Altogether, the scheme would provide up to 1.5 spaces per dwelling which accords with the maximum requirement set out in Policy T6.1 of the London Plan. The provision of car parking for each unit is therefore acceptable.

8.31 Vehicular access would be removed from Orchard Way and provided to the homes onto Sloane Walk. In terms of the safety of this access, this was a reason for refusal, but the Inspector did not find the car parking space for Plot 10 to be harmful to highway safety; even being within 10 metres of the junction with Orchard Way. Notwithstanding, the applicant has worked with officers to amend the layout so two spaces are provided

for unit 7 and one for unit 1 on the corner (two were initially proposed to Unit 1), thus further from the junction, following concerns raised from Strategic Transport, Highways and LB Bromley. The revised layout shows the closest parking space to the junction removed and as landscaping.

8.32 The proposal would displace on street parking along the boundary of the site on Sloane Walk as this boundary would have a series of crossovers. A Parking Stress Survey shows that the resultant stress would be 80%. Under the previous application (21/01635/FUL), 71% parking stress was identified. The Inspector stated that:

*“accepting that parking stress within the area may be slightly higher than what the survey data suggests, it would still be below saturated conditions. Consequently, I am satisfied that the proposal would provide sufficient off street parking to mitigate undue stress and highway safety risks.”*

8.33 Taking this decision into account, the slightly higher parking stress identified (80%) is therefore acceptable. The Inspector was also satisfied with the trip generation created by the development, stating that *“these are insignificant numbers of additional vehicles”*. This trip generation has not changed.

8.34 A new footpath along the boundary of the site on Sloane Walk would be created which would improve pedestrian safety for future occupiers and other users within Sloane Walk. The Inspector attributed this as a limited public benefit. The adoption and maintenance of this footpath will be secured under a Section 38 agreement and commuted sum; a condition is recommended to ensure this is secured.

8.35 Furthermore and in the interests of sustainable development, climate concerns and reducing traffic on roads, new developments should not over-provide car parking and a balance needs to be struck between encouraging sustainable modes of transport on the one hand and ensuring highway safety and managing on-street parking on the other.

8.36 This would include securing £12,000 (via legal agreement) for on street car clubs and general expansion of the EVCP network in the area and improvements to walking and cycling routes in the area. A condition will be attached to require submission of a construction Logistics Plan (CLP) and a condition survey of the surrounding footways and carriageway prior to commencement of works on site.

8.37 Cycle parking is shown to London Plan standards within the boundary of each unit. Final details will be conditioned.

8.38 Refuse storage would be located in each property’s garden. Residents would drag their bins to the front of the site for collection. This is in accordance with DM13 of the Croydon Local Plan. Final details will be conditioned.

8.39 Electric Vehicle Charging Points (EVCPs) would be conditioned to London Plan standards (80% active 20% passive).

### **Flood risk and energy efficiency**

8.40 Policy DM25.1 of the Local Plan requires development to take account of all sources of flooding from fluvial, surface water, groundwater, sewers, reservoirs and ordinary watercourses. Policy DM25.2 of the Local Plan requires development at risk from flooding to be safe for the lifetime of development and to incorporate flood resilience

and resistant measures. London Plan policies SI 12 and SI 13 require proposals to ensure that flood risk is minimised and mitigated, and that surface water runoff is managed as close to its source as possible.

- 8.41 The site is within Flood Zone 1 and not at risk of surface water flooding. The submitted Flood Risk Assessment and SuDS Report follows the drainage hierarchy within London Plan Policy SI13 explaining why those SuDS techniques not included cannot be achieved. This is due to the clay geology which is poor for infiltration, presence of trees and lack of 5 metre buffer from built form for a soakaway. The alternative forms of drainage include water butts, permeable surfaces and attenuation tanks.
- 8.42 The proposed peak discharge rates for 1 in 100 year event +40% climate change would be 5.8 litres per second. Although the proposed development would not discharge at greenfield runoff in line with the London Plan, it would represent an improvement to the existing situation and would comply with SI 13 of the London Plan.
- 8.43 This approach is considered to be acceptable and the provision of SUDs can be controlled via a suitably worded planning condition.
- 8.44 In order to ensure that the proposed development is constructed to high standards of sustainable design in accordance with Local Plan policy SP6, a condition would be attached requiring the proposed development to meet a minimum water efficiency standard of 110 litres/person/day as set out in Building Regulations Part G.

## **Conclusions**

- 8.45 In summary, the proposal would create eight family sized houses, each with off street car parking and good sized gardens. The scheme has been previously tested at appeal and the Inspector decision is a material consideration that needs to be given weight and has informed officer's recommendation.
- 8.46 All material considerations have been taken into account, including responses to the public consultation. Taking into account the consistency of the scheme with the Development Plan and weighing this against all other material planning considerations, the proposal is considered to be acceptable in planning policy terms.
- 8.47 All other relevant policies and considerations, including the statutory duties set out in the Equalities Act 2010, the Human Rights Act, the Planning and Compulsory Purchase Act, and the Town and Country Planning Act, have been taken into account. Given the consistency of the scheme with the Development Plan and weighing this against all other material planning considerations, the proposal is considered to be acceptable in planning terms subject to the detailed recommendation set out in section 2 (RECOMMENDATION).