

**1.0 APPLICATION DETAILS**

**Ref:** 24/02170/FUL  
**Location:** 19 Ashburton Road, Croydon, CR0 6AP  
**Ward:** Addiscombe East  
**Description:** Part demolition and conversion of an existing outbuilding to form 2no. homes, with other associated site alterations  
**Drawings:** E100 02, E101 02, E102 02, E103 02, E104 02, E105 02, P3-101 02, P3-102 02, P3-103 02, P3-104 02, P3-105 02, P3-106 02. Location Plan PP-13184240v1.  
**Statements:** Planning Statement, Biodiversity Statement, Flood Risk Assessment, Heritage Statement.  
**Agent:** Ms Erin Walker  
**Case Officer:** George Clarke

	Homes	Total
<b>Proposed Homes</b>	2 x 1 bedroom homes	2

*Proposed for private sale*

<b>Vehicle and Cycle Parking (London Plan Standards)</b>	
<b>PTAL: 4</b>	
<b>Car parking maximum standard</b>	<b>Proposed</b>
1.5 spaces	0 (1 existing space to be retained)
<b>Cycle Storage minimum</b>	<b>Proposed</b>
2	2 spaces

1.1 This application is being reported to Planning Committee in accordance with the following committee consideration criteria:

- Objections above the threshold in the Committee Consideration Criteria have been received

**2.0 RECOMMENDATION**

2.1 That the Committee resolve to GRANT planning permission subject to the completion of a S.106 agreement to secure the following heads of terms:

- (a) A car parking permit restriction for occupiers of the proposed homes
- (b) A financial contribution of £3000 towards sustainable travel improvements

2.2 That the Director of Planning and Sustainable Regeneration as delegated authority to negotiate the legal agreement indicated above.

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

### **Conditions**

1. Three-year time limit for commencement.
2. Requirement for development to be carried out in accordance with the approved drawings and reports.

#### Pre-Commencement of Development Conditions

3. Submission and approval of a Construction Management Plan and Construction Logistics Plan.
4. Submission and approval of material details
5. Submission of mirror glazing details
6. Submission and approval of cycle and refuse storage details
7. Submission and approval of landscaping details including the green roof
8. Submission of a waste management plan

#### Compliance Conditions

9. Compliance with fire strategy
10. Compliance with water efficiency standard.
11. Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport

### INFORMATIVES

1. Community Infrastructure Levy
2. Code of practice for Construction Sites
3. Compliance with Building/Fire Regulations
4. Construction Logistics Informative
5. Refuse and cycle storage Informative
6. Any other informative(s) considered necessary by the Director of Planning and Strategic Transport

- 2.4 That the Committee confirms that it has paid special attention to the desirability of preserving or enhancing the character and appearance of the East India Estate Conservation Area as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **3.0 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 3.1 The application seeks planning permission to convert an existing rear outbuilding into 2no. one bedroom homes. The internal size of the building would be reduced from 152m<sup>2</sup> to 112m<sup>2</sup>. To achieve this two south facing corners of the building would be demolished. These areas would be used as private gardens for each of the homes.

- 3.2 It should be noted that three appeals have been allowed at the site within the past year, each to alter and convert the existing outbuilding into a single dwelling. This application is different in that the proposed layout shows 2no. one bedroom flats as opposed to one larger flat.

### Site and Surroundings



Figure 1 – Google maps view of site

- 3.3 The building subject to the application is single storey and is located at the end of the rear garden of 19 Ashburton Road. Since the outbuilding was constructed the original single family dwellinghouse at 19 Ashburton Road has gained planning permission and implemented the use as 4 flats. The site is bounded to the south by the driveway and rear parking area serving a three storey block of flats called College Court. To the north, the site is bounded by a pair of semi-detached houses. The site is bounded to the rear by the gardens of properties on Outram Road. The site is within the East India Estate Conservation Area.
- 3.4 The application site has a Public Transport Accessibility Level (PTAL) of 4 (on a scale of 1a to 6b) and is within a Controlled Parking Zone (CPZ).
- 3.5 The site is in Flood Zone 1 (low risk).

### Relevant Planning History

- 3.6 23/00537/FUL - Reduction in size and conversion of the existing rear outbuilding into a dwelling, with associated site alterations.

Appeal against non-determination allowed 17/06/2024. Ref: APP/L5240/W/23/3320441.

The Inspector found that there would be no harm to the character and appearance of the conservation area.

- 3.7 22/00530/FUL - Alterations to the building at the rear of the site and associated alterations as part of the proposed change of use from storage and leisure into a self-contained dwelling. Permission refused 20/01/2023 (committee decision).

*Refusal reasons: Visually intrusive and loss of privacy for occupiers of 19 Ashburton Road, poor outlook from the new dwelling*

Appeal allowed 10/01/2024. Ref: APP/L5240/W/23/3315790

The Inspector found that the height and position of the building would not have a dominant or overbearing effect on outlook at 19 Ashburton Road. They also found that views out of bedroom windows would be across gardens and separation to the fencing was adequate to provide suitable outlook.

- 3.8 22/03215/FUL - Alterations to the building at the rear of the site and associated alterations as part of the proposed change of use from storage and leisure into a self-contained dwelling. Permission refused 20/01/2023 (committee decision). *Refusal reasons: Visually intrusive and loss of privacy for occupiers of 19 Ashburton Road, poor outlook from the new dwelling*

Dismissed at appeal 10/01/2024. Ref: APP/L5240/W/23/3315535

The Inspector found that the appearance of the Conservation Area would be harmed due to ‘..the number and pattern of several large windows, and its consequential overly domestic appearance.’ The Inspector did not agree with the Council’s refusal reasons of visual intrusion and poor outlook.

- 3.9 22/00983/FUL - Alterations to the building at the rear of the site and associated alterations as part of the proposed change of use from storage and leisure into a self-contained dwelling. Permission refused 16/06/2022 *Reason: Poor living conditions for future occupiers.*

Appeal allowed 15/12/2023. Ref: APP/L5240/W/22/3305726

The Inspector found that the development would have a neutral effect on the Conservation Area and would offer suitable living conditions.

- 3.10 21/04945/FUL - Alterations to the building at the rear of the site as part of the proposed change of use from storage and leisure into a self-contained dwelling. Permission refused 28/01/2022 *Reasons: Poor living conditions for future occupiers, harm to neighbours, not suitable for disabled end users specified.*

Dismissed at appeal 05/12/2022. Ref APP/L5240/W/22/3293516

The Inspector found that there would be harm to the living conditions at 19 Ashburton Road due to overlooking and that the development would provide poor quality living conditions for the new dwelling in respect of outlook, disturbance and privacy.

- 3.11 20/02685/FUL - Alterations to the exterior of the building as part of the 'change of use from an outbuilding under C3 - single dwelling houses' use, to a separate C3 use - single dwelling house. The proposal also makes external, fenestration, and internal alterations in order to cater for the much needed accommodation,

without negatively effecting the surrounding properties or streetscene. Permission refused 04/09/2020 *Reasons: Poor living conditions for future occupiers, harmful appearance, inadequate refuse storage, inadequate car and cycle parking, loss of amenity for occupiers of 19 Ashburton Road.*

Dismissed at appeal 27/07/2021. Ref: APP/L5240/W/21/3266452

The Inspector found that there would be no harm to the appearance of the conservation area and that the living conditions at 19 Ashburton Road would be suitably protected. A car free development with the retention of one space to serve the whole site was also found to be acceptable in terms of on-street car parking stress. The Inspector did however dismiss the appeal based upon poor outlook and therefore substandard living conditions for the new dwelling.

- 3.12 19/03971/FUL - Conversion of existing outbuilding to residential flat. Permission refused 25/10/2019 *Reasons: Poor living conditions for future occupiers, harmful appearance, inadequate refuse storage, harm to neighbours.*

Dismissed at appeal 17/03/2020. Ref: APP/L5240/W/19/3242553

The Inspector found that the domestication of the outbuilding would be harmful to the character and appearance of the Conservation Area. The other refusal reasons were not supported.

- 3.13 19/01717/FUL - Conversion of existing outbuilding into residential flat. Permission Refused 21/06/2019 *Reasons: Harmful appearance, inadequate refuse storage, inadequate cycle storage, harm to neighbours.*

- 3.14 18/03434/FUL- Conversion of the existing outbuilding to form a three bedroom residential flat with cycle and refuse storage. Permission refused 12/09/2018 *Reasons: Poor living conditions for future occupiers, harmful appearance, inadequate refuse storage, inadequate cycle storage, harm to neighbours*

- 3.15 17/03956/LE - LDC refused for use of building at rear for purposes within class B8 (storage and distribution). 06/09/2017

- 3.16 14/00420/RES - Approval - Discharge of condition 2 attached to planning permission 11/03663/P. 17/04/2014

- 3.17 12/02679/P - Granted planning permission for erection of dormer extensions in front and rear roof slopes and single storey rear extension. 06/12/2012

- 3.18 12/01781/P - Refused planning permission for alterations; use as house in multiple occupation to include erection of dormer extensions in rear roof slopes and single storey rear extension. 30/08/2012

- 3.19 12/00173/LP - Granted lawful development certificate for erection of single storey detached building at rear. 14/03/2012

3.20 11/03663/P - Granted planning permission for alterations; conversion to form 1 two bedroom, 1 studio and 2 one bedroom flats; erection of single storey rear extension and construction of dormer roof extensions in front and rear roof slopes; provision of associated parking. 09/03/2012

#### 4.0 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The principle of changing the use of the building to residential has already been accepted previously, would contribute to the Borough’s housing targets and is acceptable.
- The design and appearance of the development is acceptable and would improve the existing appearance of the site. Planning conditions are recommended to ensure that the development would use high quality materials and have good quality landscaping.
- The living standards for future occupiers would be acceptable
- The living conditions of adjoining occupiers would be protected from harm
- The level of parking and impact upon the local transport network is considered acceptable
- The proposal’s impact on trees and biodiversity is acceptable

#### 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 28 neighbouring properties were notified of the application and invited to comment. A site notice was erected on 18/07/2024 and the application was publicised in the local press on the same day. A total of 17 representations were received, all of which were in objection to the proposal.

6.2 The following local groups/societies made representations:

- The Mid-Croydon Conservation Area Advisory Panel (objecting)
- The HOME Resident’s 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:

SUMMARY OF OBJECTIONS	RESPONSE
Principle of development	
Overdevelopment	See paragraphs 8.5 and 8.23
Design	

Harmful appearance and unsuitable for a Conservation Area	See paragraphs 8.6 to 8.11
Inappropriate back land development	See paragraphs 8.6 to 8.11
Amenity	
Loss of privacy	See paragraphs 8.16 to 8.23
Noise	See paragraphs 8.16 to 8.23
Loss of outlook	See paragraphs 8.16 to 8.23
Inappropriate /narrow access	The access pathway to the homes would have a width of more than one metre and this is adequate
Inadequate garden space for new dwelling	See paragraph 8.14
Lack of garden area retained for main house	See paragraph 8.22
Highways & Parking	
Insufficient car parking	See paragraphs 8.25 and 8.26
Cycle storage is inadequate	See paragraph 8.27
Emergency service access concerns	See paragraphs 8.38 and 8.39

6.4 The following additional issues were raised in representations that officers have considered, and would like to bring make the Committee aware of, noting that they are not material to the determination of the application:

- Too many applications submitted for this site (Officer Comment: The Local Planning Authority is duty bound to determine any valid planning application that is submitted to them).
- Issues with the dimensions of the existing building (Officer comment: The outbuilding was granted a Lawful Development Certificate under reference 12/00173/LP. This was granted with a depth of 19.5m and the building on site has a depth of just over 22m. It has however been in situ for approximately 10 years and may be lawful through the passage of time)

## 7.0 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 (2022). Although not an exhaustive list, the policies which are most relevant to the application are:

#### London Plan (2021)

- D1 London's form, character and capacity growth
- D3 Optimising site capacity through the design led approach
- D4 Delivering Good Design

- D5 Inclusive Design
- G5 Urban Greening
- G6 Biodiversity and access to nature
- G7 Trees and Woodlands
- HC1 Heritage Conservation and Growth
- SI 2 Minimising Greenhouse Gas Emissions
- SI 8 Waste Capacity and Net Waste Self-Sufficiency
- SI 12 Flood Risk Management
- SI 13 Sustainable Drainage

#### Croydon Local Plan (2018)

- SP2 Homes
- SP4 Urban Design and Local Character
- SP6 Environment and Climate Change
- DM1 Housing Choice for Sustainable Communities
- DM10 Design and Character
- DM13 Refuse and Recycling
- DM16 Promoting Healthy Communities
- DM18 Heritage Assets and Conservation
- DM19 Promoting and Protecting 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
- DM35 Addiscombe

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 December 2023, 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)
- National Design Guide (2021)
- Optimising Site Capacity: A Design-led Approach LPG (2023)
- Housing Design Standards LPG (2023)

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

8.1 The main planning issues relevant in the assessment of this application are as follows:

1. Principle of Development
2. Design and Appearance
3. Housing Quality
4. Impact on Surrounding Neighbours
5. Highways, Parking and Refuse
6. Trees and Biodiversity
7. Energy and Sustainability
8. Flood Risk and Sustainable Drainage
9. Fire Safety
10. Other Matters

### **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 an small-sites housing target of 641 per year.

8.4 The application relates to an existing outbuilding which has been constructed larger than as shown on the plans granted a Lawful Development Certificate under reference 12/00173/LP. This was granted with a depth of 19.5m and the building on site has a depth of just over 22m. It has however been in situ for approximately 10 years and may be lawful through the passage of time. The

lawful use of the outbuilding was to be incidental to that of the single family dwelling at 19 Ashburton Road, although it is presently vacant.

- 8.5 In 2014 the main house at the site was lawfully converted into flats. There are recent appeal decisions (made within the past 12 months) which have established that the partial retention and conversion of the outbuilding to residential use is acceptable in principle.

### **Design and Appearance**

- 8.6 Policies SP4.1 and DM10.1 of the Local Plan state that the Council will require development of a high quality, which respects and enhances Croydon's varied local character and contributes positively to public realm, landscape and townscape to create sustainable communities.
- 8.7 The site is located within a largely residential area featuring mainly large detached and semi-detached dwellings within deep plots. It is within the East India Conservation Area. Local Plan Policy DM18 seeks to preserve and enhance the character, appearance and setting of heritage assets. Policy HC1 of the London Plan (2021) requires development proposals affecting heritage assets and their setting to conserve their significance and the cumulative impacts of incremental change should be actively managed.
- 8.8 The Inspector from the most recent appeal decision for the site (APP/L5240/W/23/3320441) stated 'The Croydon Council East India Estate Conservation Area Appraisal and Management Plan ('the CAA') states that development in back gardens will generally not be permitted due to the potential of disruption to the character of the CA and loss of green spaces. However, as set out above, a building already exists within the rear garden and would likely be retained if the appeal were to fail. Accordingly, there is a baseline of existing harm to the CA in this respect.' The Inspector went on to explain how the proposed areas of private garden and the green roof would represent an improvement to the existing situation.
- 8.9 In terms of scale and design the proposal would appear very similar to that allowed at the most recent appeal, although the building would be 250mm taller at 2.85m as opposed to 2.6m. It is also worth noting that a height of 3m was allowed under another appeal (APP/L5240/W/23/3315790). A green roof is proposed, and the eastern and western corners of the outbuilding would be demolished to provide private garden areas. The block plans and southern elevations of the development as allowed at the most recent appeal (APP/L5240/W/23/3320441) and as proposed in this application are shown below:

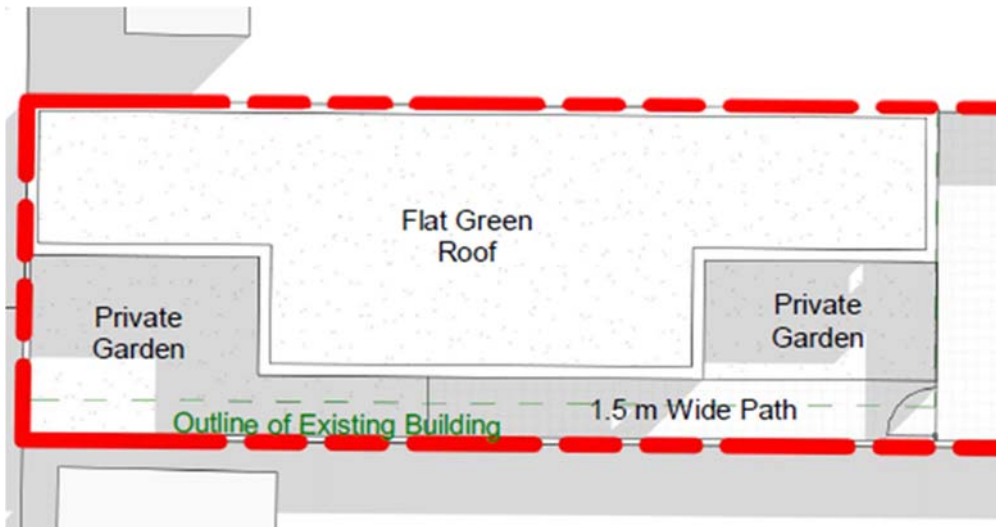


Figure 2 – Block plan as allowed at appeal

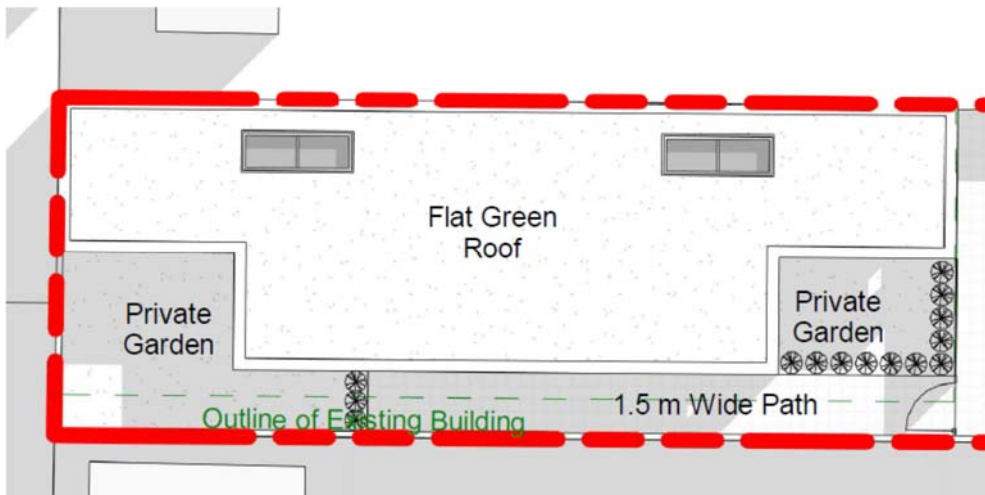


Figure 3 – Block plan as proposed

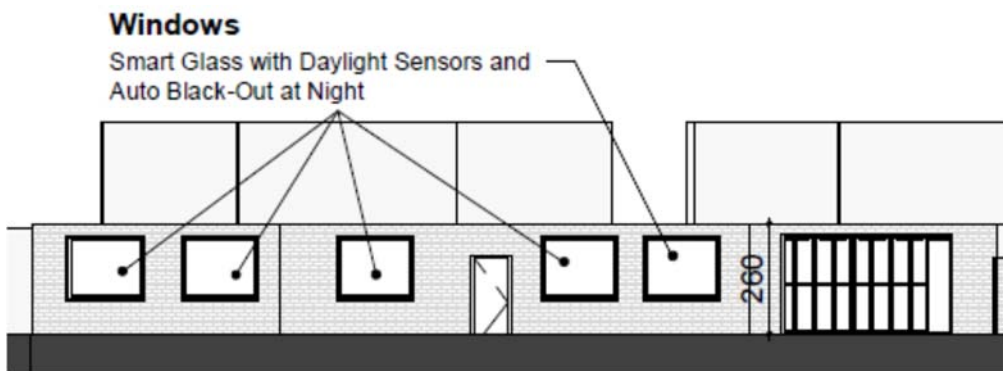


Figure 4 – Southern elevation as allowed at appeal

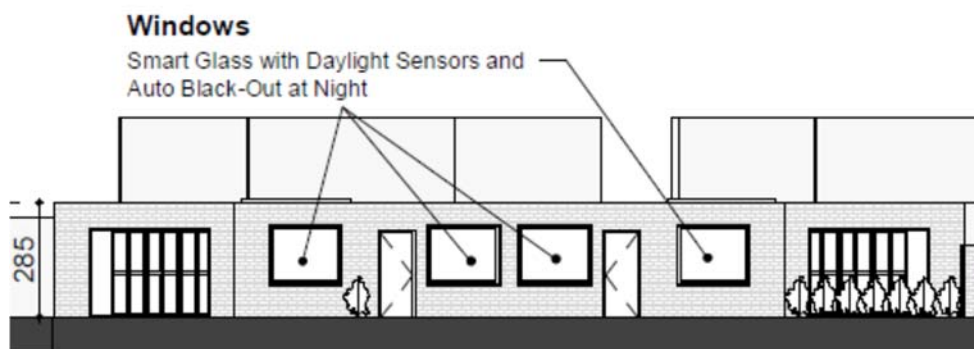


Figure 5 – Southern elevation as proposed

- 8.10 The plans show a brick finish and new windows and doors. A condition is recommended to require details of materials to be submitted to the Council, to ensure that these are of a suitably high quality for the East India Estate Conservation Area.
- 8.11 In summary, subject to conditions, the proposal would improve the existing appearance of the site through a reduction in the current built footprint and an improvement to the quality of the appearance of the building. It therefore would have an acceptable impact on the East India Estate Conservation Area.

### **Housing Quality**

- 8.12 London Plan Policy D6 requires housing developments to be of a high quality design and contains space standards for new dwellings. The provision of dual aspect dwellings should be maximised and a single aspect dwelling should only be provided where a more appropriate design solution to meet the requirements of Part B in Policy D3 (optimising site capacity through the design led approach). The design should provide sufficient daylight and sunlight and ensure the usability of outdoor space is maximised.
- 8.13 The development would create 2no. one bedroom dwellings, each with a two person occupancy. The internal floor area for both would be 55m<sup>2</sup> as measured on plan which exceeds the London Plan requirement of 50m<sup>2</sup>. Each of the bedrooms would be larger than the 11.5m<sup>2</sup> minimum for double occupancy. The homes would be multiple aspect and living areas would also be served by rooflights. This would provide occupiers with good levels of natural light, ventilation and outlook. Whilst only 1sqm is provided for internal storage (the requirement in the Technical Housing Standards for a 1b2p dwelling is 1.5sqm), the shortfall of 0.5sqm is offset by the overall floorspace of each proposed dwelling being 5sqm in excess of the minimum requirement.

8.14 The homes would have private garden areas of 13m<sup>2</sup> and 24m<sup>2</sup> respectively, accessible directly from the main living areas. The easternmost garden would be approximately 15m from the upper level rear windows of the main house at the site. This separation distance and the boundary treatment is considered to provide future occupiers with sufficient privacy. Overall, the size and quality of the amenity space satisfies Local Plan Policy DM10.4. For comparison, the proposed floor plans of the most recently allowed appeal and that proposed in this application are shown below:

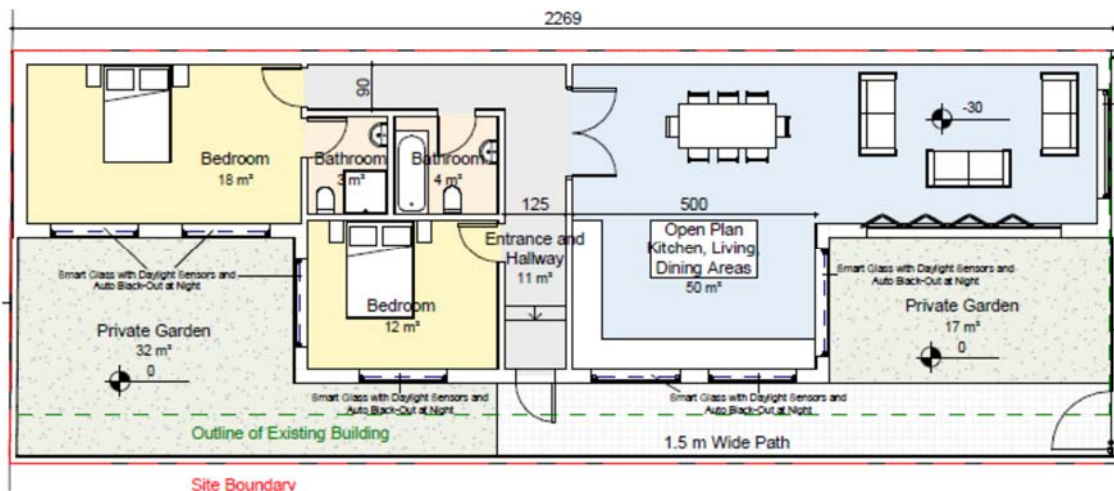


Figure 6 – Proposed floor plan as allowed at appeal

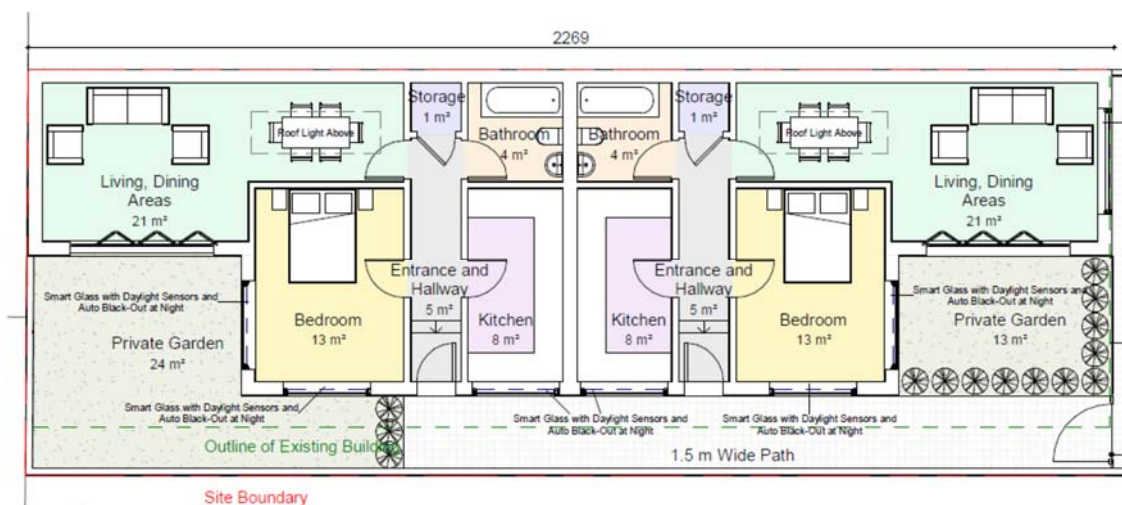


Figure 7 – Proposed floor plan

8.15 London Plan Policy D7 requires new dwellings to be building regulation M4(2) compliant for use by persons with disabilities. The access to the proposed dwelling is shown as having a suitable 1.5m width and a disabled parking space is proposed within the existing driveway. The Council is satisfied that the dwellings would be suitably accessible.

### Impact on Surrounding Neighbours

- 8.16 The London Plan (2021) Policy D6 states that “development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.”
- 8.17 Policy DM10.6 of the Croydon Local Plan (2018) states the Local Planning Authority would not support development proposals, which would harm the amenities of the occupiers of adjoining buildings.
- 8.18 The immediate neighbours bordering the site are 21 Ashburton Road to the north, 32 and 34 Outram Road to the west and rear garages of College Court to the south. The potential impact upon living conditions of the existing flats within the original building at 19 Ashburton Road also requires assessment.
- 8.19 After alterations the building would have a maximum height of 2.85m, which is 250mm taller than existing. The depth of the building bordering the garden at 21 Ashburton Road would remain at approximately 22m and the building is set over 15m from the rear wall of this neighbour. Given the position of the building toward the rear of the garden and the modest height increase, it is considered there would be no harm to living conditions.
- 8.20 The alterations to the building would reduce the width of the building at the boundary shared with 32 and 34 Outram Road by more than 2.5m and it is considered that this would result in an improved relationship (when compared with the existing situation), with these neighbours.
- 8.21 The distance between the first floor rear windows of the frontage building at 19 Ashburton Road and the proposed east facing windows in the new dwelling would be greater than 19m. The separation distance is similar to the first floor rear windows of 21 Ashburton Road. As a single storey home, views from the windows of ground floor rooms would be impeded by boundary fencing. A condition is recommended requiring details of this boundary fencing, to ensure it is suitable for screening.
- 8.22 The existing communal garden space at 19 Ashburton Road would be retained, however access to the new dwellings at the rear of the site would be made through this area and would result in some harm to the quality of the amenity area. On balance however, it is considered the development would not be harmful to occupiers of 19 Ashburton Road as they would benefit from a reduction in the building’s size and improved outlook toward new gardens and a green roof. Glazing with blackout technology is proposed to prevent views into the new home and mitigate light pollution out from the residential use. It is recommended that a condition be applied so the Council can require details of this technology. This arrangement is comparable to the extant consent at the application site.

8.23 There is an extant consent for the use of the outbuilding as a two-bedroom home with four person occupancy. Whilst two homes are now proposed, they would each have a single bedroom and as such there would be no uplift in the number of residents from the already consented position. The proposal would not therefore be expected to result in the generation of excessive noise. In summary, the proposal is not considered harmful to living conditions at any neighbour.

### **Highways, Parking and Refuse**

8.24 Policy SP8 of the Local Plan (2018) is in relation to traffic generation, sustainable travelling and parking standards. Local Plan Policy DM30 seeks to ensure that there is an appropriate level of car and cycle parking for developments

8.25 The site has a PTAL of 4 indicating that it has moderate access to public transport. The London Plan and Policy DM30 of the Croydon Local Plan sets out maximum car parking standards for residential developments based on public transport accessibility levels. The street is in a Controlled Parking Zone.

8.26 Table 10.3 of the London Plan gives a maximum car parking provision of 0.5 - 0.75 spaces per 1-2 bed home. The maximum amount of car parking to be provided would therefore be 1 space. One disabled accessible off street parking space is proposed at the front of 19 Ashburton Road and would be the only car parking space for the site. This provision was found to be acceptable in the planning permissions granted for one additional home. Given that this proposal is for 2 homes, resulting in a total of 6 dwelling at the site with a single car parking space, it is recommended that the applicant be required to enter a legal agreement with the Council to prevent future occupiers from attaining car parking permits and to secure a £3000 (£1500 per dwelling) sustainable transport contribution to mitigate the impacts of the development on local car parking stress and the highway network generally. This would be in line with Strategic Policies SP8.12 and SP8.13 of the Croydon Local Plan (2018).

8.27 Cycle storage for both 19 Ashburton Road and the proposed development would be accommodated within the existing front drive. This storage area is large enough to provide 3 spaces as required by London Plan Table 10.2 and additional cycle parking for the existing dwellings at the site. A condition is recommended requiring details of this facility which must be suitably accessible, sheltered and secure.

8.28 Bins are also shown within this frontage area. There is sufficient space to meet the requirements of all the dwellings within the site and the location is suitable for collection from the street. The bin storage would be 50m from the entrance of the furthest dwelling entrance. Whilst this is not ideal in terms of a carry distance for residents, a Waste Management Plan could be secured by condition. A condition is also recommended to require details of a bin store to be submitted

in the interest of protecting the appearance of the East India Estate Conservation Area.

- 8.29 Officers are satisfied that subject to a legal agreement to mitigate the impacts, the scheme would not harm the safety and efficiency of the highway network. It is considered the network and transport impacts associated with the developments on traffic and transport would be negligible and it is unlikely to have a significant impact on highway safety.

### **Trees and biodiversity**

- 8.30 Local Plan Policy DM28 states that the Council will protect and enhance the borough's trees and hedgerows by not permitting development that would result in the avoidable loss or excessive pruning of preserved trees or hedgerows or those that make a positive contribution to the character of an area. London Plan Policy G6 seeks development to provide a biodiversity net gain and G7 seeks to ensure trees of value are retained.
- 8.31 Local Plan Policy DM27 outlines that development proposals should enhance biodiversity across the borough and improve access to nature.
- 8.32 The proposal would reduce the built site coverage, creating 37m<sup>2</sup> of new garden areas and installing a green roof to the building. This would result in a significant environmental improvement from the existing situation. To ensure a suitable mix of planting is installed, a condition requiring details of the soft landscaping including the green roof and a maintenance schedule is recommended.
- 8.33 The nearest mature tree to the development is close to the rear boundary of 34 Outram Road. As the proposal is for part demolition of the existing building there would be no new foundations to threaten any roots. The development is not considered to pose a risk to this or any other trees surrounding the site.

### **Energy and sustainability**

- 8.34 Each home would be required by condition to achieve a maximum water use target of 110L per head per day in line with Local Plan Policy SP6. Carbon dioxide emissions are covered by Building Control legislation which supersede policy requirements.

### **Flood Risk and Sustainable Drainage**

- 8.35 For the Council to ensure that development within the borough reduces flood risk and minimises the impact of flooding, Policy DM25 of the Local Plan (2018) requires development proposed within areas at risk of flooding development to incorporate flood resilience and resistant measures into the design, layout and form of buildings to reduce the level of flood risk both on site and elsewhere.



8.36 The site is within Flood Zone 1 which indicates a low risk of flooding. There is also a low risk of surface water flooding according to the Government's long term flood risk service website.

8.37 There would be a significant increase in permeable areas within the site resulting from the development. The green roof would also help reduce surface water run off rates. The proposal is therefore considered to suitably reduce flood risk for this and surrounding sites.

### **Fire Safety**

8.38 Policy D12 of the London Plan (2021) requires all development proposals to achieve the highest standards of fire safety.

8.39 A Fire Statement has been submitted in support of the application. It confirms that the building will be constructed with fire resistant materials meeting British Standards. A fire detection system and emergency lighting is to be installed. The information is acceptable at this stage and final fire safety details would be agreed with Building Control.

### **Conclusion**

8.40 The principle of providing two new homes at this site is supported. The design of the scheme is of an acceptable standard and appropriate in relation to residential amenity, transport and sustainability matters.

8.41 Given the consistency of the scheme with the Development Plan and giving due consideration to recent appeal decisions at the site, weighing this against all other material planning considerations, including the benefits and the harm outlined within this report, the proposal is considered to be acceptable in planning terms subject to the detailed recommendation set out in section 2 (RECOMMENDATION).

### **Other Matters**

8.42 The development would be liable for a charge under the Community Infrastructure Levy (CIL).

8.43 All other planning considerations including equalities have been taken into account. 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.

