

1 APPLICATION DETAILS

Ref: 19/02451/FUL
 Location: 170 Foxley Lane, Purley, CR8 3NF
 Ward: Purley and Woodcote
 Description: Demolition of the existing house, and the erection of a block of nine flats, with associating car parking, landscaping and associated works
 Drawing Nos: 170FL P1A, 170FL P2A, 170FL P3D, 170FL P4B
 Agent: Graham Rix
 Case Officer: Emily Holton-Walsh

	1b2p	2b3p	2b4p	3b4p	3b5p	4b+	Total
Existing					1		1
Proposed	1	3	2	3			9

All units are proposed for private sale

Number of car parking spaces	Number of cycle parking spaces
9	16

- 1.1 This application is being reported to Planning Committee following receipt of a referral from a Ward Councillor, Councillor Badsha Quadir (objecting) and because representations in excess of the Committee Consideration Criteria have been received.

2 RECOMMENDATION

- 2.1 That the Planning Committee resolve to GRANT full planning permission.
- 2.2 That the Director of Planning and Strategic Transport has delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

- 1) The development shall be carried out wholly in accordance with the approved plans.
- 2) Submission of materials, floor levels, balcony details and lighting for approval.
- 3) Submission of FRA and SuDS strategy, following site investigation, for approval.
- 4) Tree protection fencing to be installed.
- 5) Submission of a detailed landscaping scheme (including details on replacement trees) for approval
- 6) Submission of the following to be approved and thereafter retained: cycle storage, refuse storage and presentation details and child play space.

- 7) To be provided as specified prior to occupation: Parking spaces, EVCP (including spec and passive provision), access and visibility splays.
- 8) All first and second floor flank facing windows to be obscured glazed and non-opening up to 1.7 metres from internal floor height and no additional windows at first or second floor level without express consent of the local planning authority.
- 9) Trees – in accordance with Tree Protection Plan. Trees to be removed out of bird nesting season.
- 10) The development must achieve 19% CO2 reduction beyond Building Regulations
- 11) The development must achieve 110 litres water per head per day
- 12) Demolition, Construction Logistics and Environmental Management Plan to be submitted and approved.
- 13) Time limit of 3 years
- 14) Any other planning condition(s) considered necessary by the Director of Planning & Strategic Transport

Informatives

- 1) Community Infrastructure Levy – Granted
- 2) Code of Practice on the Control of Noise and Pollution from Construction Sites
- 3) Wildlife protection
- 4) Any other informative(s) considered necessary by the Director of Planning & Strategic Transport

- 2.3 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.

3 PROPOSAL AND LOCATION DETAILS

Proposal

- 3.1 The applicant seeks full planning permission for:
 - Demolition of an existing two storey building and erection of a three storey building to provide 9 units.
 - Provision of 9 parking spaces to the front of the site.

Site and Surroundings

- 3.2 The application site is located on north-western side of Foxley Lane. The character and appearance of Foxley Lane is varied, with infill and flatted developments seen throughout.
- 3.3 There is an existing two storey dwelling with two vehicle entrances and a substantial soft-landscaped rear garden; significantly overgrown. The site also backs onto Badgers Walk which is a residential cul-de-sac.

- 3.4 Land levels fall gradually from Foxley Lane towards the rear of the site. The prominent pines tree located at the front of the site is protected by a Tree Preservation Order (TPO 15, 2018).
- 3.5 The site is in an area at risk of surface water and groundwater flooding.

Planning History

- 3.6 Whilst the site itself has not been subject to any relevant planning applications, of relevance to this proposal are the following at other sites:

168 Foxley Lane

18/05098/FUL: Demolition of existing dwelling. Erection of two storey building with accommodation in the roof space and single storey building with accommodation in the roof space at the rear to provide a total of 8 unit.

Permission granted on 24th June 2019.

158 Foxley Lane

18/02915/FUL: Change of use and extension of care home (Use Class C2) to 7 self-contained flats (Use Class C3); erection of single and two storey building to rear of 2 self-contained flats (Use Class C3); landscaping; alterations and associated works

Permission granted and works have commenced.

4 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The site is a sustainable location for new dwellings and the principle of its re-development and intensification to provide additional housing is acceptable.
- The proposal would contribute positively to borough-wide housing targets and would deliver 9 additional units on site, 5 of which would be family-sized units.
- The proposed scale and layout of the building is considered to be appropriate whilst responding to the surrounding street scene.
- The proposal would avoid unacceptable harm to the neighbours' living conditions.
- The development would provide an acceptable standard of living for future residents of the development, with satisfactory internal layouts and amenity space.
- The number of parking spaces proposed would be suitable, providing an appropriate quantity for the proposed mix.
- Other matters including flooding, sustainability, landscaping can be appropriately managed through condition.

4 CONSULTATION RESPONSE

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

5 LOCAL REPRESENTATION

- 6.1 The application has been publicised by way of letters sent to adjoining occupiers 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: 17 Objecting: 14 Supporting: 2

No of group responses: 1 Objecting: 1 Supporting: 0
Signatories: 12

- 5.2 The following issues were raised in representations. Those that are material to the determination of the application, are addressed in substance in the MATERIAL PLANNING CONSIDERATIONS section of this report:

Summary of objections	Officer Comment
<i>Principle of development</i>	
Loss of family houses.	Refer to paragraphs 7.3 – 7.4 of this report.
Cumulative impact due to the number of flatted developments within Foxley Lane.	Each application is assessed on its own merits and cumulatively there is not considered to be a detrimental impact caused by the proposal.
<i>Design and appearance</i>	
Character of the area – overdevelopment, bulk, scale, density, massing, flats, design out of keeping, materials, landscaping	Refer to paragraphs 7.7 – 7.16 of this report.
<i>Impact upon amenities of neighbouring properties</i>	
The adjoining part of the building at No. 168 is not a 'garden store' but is a habitable room, the light to which will be affected. The landing and bathroom windows will also be affected.	The submitted Daylight & Sunlight Assessment shows that the impact on these windows would be within the levels set out in the BRE guidance. The impact is therefore acceptable. The landing and bathroom windows serve non-habitable rooms, therefore the impact is acceptable.
There would be a detrimental impact on the amenities of the neighbouring properties, particularly given the cumulative impact of the redevelopment of 168. The impact on 7 Badger's Walk has not been properly considered.	See paragraphs 7.17 – 7.27.

<i>Highways and Parking</i>	
Increased traffic congestion and detrimental to highway safety and efficiency.	Refer to paragraphs 7.33 – 7.39 of this report.
Lack of parking stress survey.	Refer to paragraphs 7.33 – 7.39 of this report. Parking provision is at a ratio of 1:1 which is acceptable.
<i>Trees and Ecology</i>	
Loss of mature trees and vegetation. Lack of information regarding tree retention.	Refer to paragraphs 7.32 – 7.33 of this report. A tree report has been provided, which is acceptable.
<i>Other material issues</i>	
Lack of disabled access.	Refer to paragraph 7.30
Inadequate standard of accommodation for future occupiers.	Refer to paragraph 7.27 – 7.31
Flood risk	The application is supported by a Flood Risk Assessment. A further assessment will be secured by condition, to ensure flood risk is appropriately managed.

5.3 Councillor Badsha Quadir has objected to the scheme, making the following representations:

- Out of character.
- Overdevelopment.
- Overlooking.

5.4 Maples Residents Association has also objected to this application on the following grounds:

- Overdevelopment.
- Out of character.
- Unacceptable impact on the amenity of neighbours.

5.5 Whilst amended plans were submitted as part of the application process and have been considered, these did not change the nature of the proposal originally consulted upon and responded to issues raised by local residents. Further re-consultation was therefore not considered necessary.

6 RELEVANT PLANNING POLICIES AND GUIDANCE

6.1 In determining any planning application, the Council is required to have regard to the provisions of its Development Plan so far as is material to the application and to any other material considerations and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The Council's adopted Development Plan consists of the Consolidated London Plan 2015, the Croydon Local Plan 2018 (CLP) and the South London Waste Plan 2012.

6.2 Government Guidance is contained in the National Planning Policy Framework (NPPF), issued in February 2019. 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:

- Requiring good design.
- Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions

6.3 The main policy considerations raised by the application that the Committee are required to consider are:

Consolidated London Plan 2015 (LP):

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.13 Sustainable drainage
- 6.9 Cycling
- 6.11 Smoothing traffic flow and tackling congestion
- 6.13 Parking
- 7.2 Designing out crime
- 7.4 Local Character
- 7.6 Architecture
- 7.14 Improving air quality
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland

Croydon Local Plan 2018 (CLP 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

- DM19 Promoting and protecting healthy communities
- DM23 Development and construction
- DM24 Land contamination
- DM25 Sustainable drainage systems and reducing flood risk
- DM27 Biodiversity
- DM28 Trees
- DM29 Promoting sustainable travel and reducing congestion
- DM30 Car and cycle parking in new development
- Applicable place-specific policies

6.4 The relevant Supplementary Planning Guidance is as follows:

- London Housing SPG (March 2016)
- The Nationally Described Space Standards (October 2015)
- Suburban Design Guidance (SDG) (SPD) (2019)

7 MATERIAL PLANNING CONSIDERATIONS

7.1 The main planning issues raised by the application that the Planning Committee is required to consider are as follows:

- Principle of development;
- Townscape and visual impact;
- Residential amenity;
- Living conditions of future occupiers;
- Trees and landscaping;
- Parking and highway safety;
- Flood risk;
- Other planning matters

Principle of Development

7.2 The London Plan and Croydon Local Plan support the delivery of new housing in sustainable locations, to address the need for new housing to suit local communities. Approximately 30% of future housing supply may be delivered by windfall sites which provide sensitive renewal and intensification of existing residential areas and play an important role in meeting demand in the Capital, helping to address overcrowding and affordability issues.

7.3 Policy SP2.7 supports the provision of new family sized dwellings, with a strategic target of 30% of all new dwellings across the borough to be family sized. The proposed unit mix is one 1-bedroom (2 person) unit, three 2-bedroom (3 person) units, two 2-bedroom (4 person) units, and three 3-bedroom (four person) units. The proposal would therefore provide five family units on site, totalling 56% and would therefore contribute significantly to the above 30% target.

7.4 Policy DM1.2 prevents the loss of small family homes by restricting the net loss of units with three bedrooms or a floor area of less than 130sq.m. There is therefore a requirement to retain or re-provide family sized homes in this case, with several recent appeal decisions supporting both policies DM1.2 and SP2.7.

As the existing dwelling is a family unit with 3 bedrooms, there is a requirement to re-provide a family unit. A 3-bed unit is proposed as part of the scheme and therefore the proposal would comply with Policy DM1.2.

- 7.5 The site has a general suburban setting with a PTAL rating of 1b and as such, the London Plan indicates that the density levels could range from 150 - 200 habitable rooms per hectare (hr/ha). The proposed density of this development would be 146hr/ha which sits comfortably within the recommended density levels.
- 7.6 The site is located within an existing residential area and subject to policy compliance in other respects, the principle of redevelopment at the density proposed should be welcomed.

Townscape and Visual Impact

- 7.7 The existing dwelling is not statutorily or locally listed and therefore, there is no objection to its demolition and replacement with a proposed flatted development. The scheme proposes a three storey building fronting onto Foxley Lane.
- 7.8 Policy DM10.1 states that proposals should achieve a minimum height of 3 storeys respecting local character. In this case, as demonstrated in Figure 1, the two existing adjoining properties are two storeys. When viewed in context, the proposed height and massing would be appropriate for the site. In addition, the scheme recently approved at No. 168 is for a building of two and a half storeys.



Figure 1: Proposed building in existing street scene

The scale of the proposed building would also sit comfortably when viewed in the context of this recently approved building.

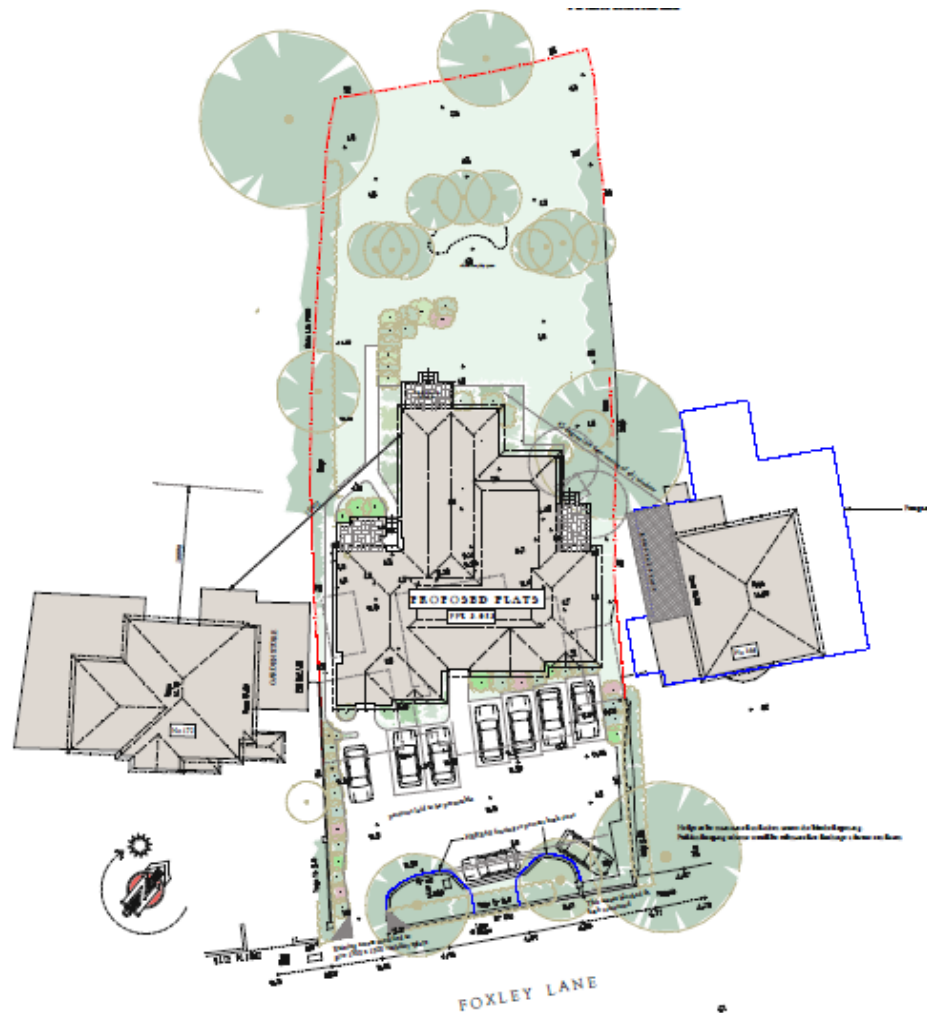


Figure 2: Approved building at No. 168 Foxley Lane

- 7.9 In terms of siting, the proposed building would be sited slightly further rearwards in the plot than the existing dwelling. The characteristic spacing between dwellings and the street, found within this part of Foxley Lane, would be retained. The rearwards projection would not significantly exceed that of the approved building at 168 and would be acceptable. Therefore, the established pattern of built form in the locality would be respected. The rear garden of the existing property is not as deep as that of the adjoining property, No. 168, and 7 Badger's Walk sits immediately to the rear of the site. In this context, it is not possible to provide additional units at the rear of the site without significantly compromising the amenity of the neighbouring property, or resulting in an overly cramped form of development.
- 7.10 The "Arts and Crafts" style architectural expression is supported and is considered in-keeping with the character of the area. The existing building consists of hung tile, timber battens, leaded windows and a decorative red brick plinth and quoins. The proposed materials palette has been informed by this and is acceptable in principle. A full specification should be secured by condition to ensure the materials are sustainable, durable and high-quality. The front elevation has been simplified in terms of its material application and detailing, from the pre-application drawings, and would work well in the context of the streetscape.

- 7.11 As shown by Figure 3 below, the site has been laid out to retain the TPO tree located along the Foxley Lane frontage, as well as other trees located at the rear. A communal area is proposed to the rear, with car parking and soft landscaping to the front.

Figure 3: Proposed Site Layout



- 7.12 The building would incorporate balconies within the side and rear elevation at first and second floor level which are designed to minimise overlooking. Whilst these balconies would increase the mass to the rear and have a flat roof, which does not fully integrate with the building, they would not be visible from the street due to the scale and close proximity of the neighbouring building at No. 168. Similarly, the blank flank elevations would not be appreciable in most views due to the siting of the neighbouring building. On balance, the appearance of the balconies and the northern flank wall is acceptable.
- 7.13 The proposal carefully integrates ancillary items, refuse and cycle storage within the building, therefore ensuring that there would not be an unacceptable level of clutter to the front of the building.
- 7.16 Overall, the proposed development would represent a high quality addition to the wider street scene, providing a building that is respectful to local character whilst intensifying the site to provide additional residential units.

Impact on Neighbouring Residential Amenity

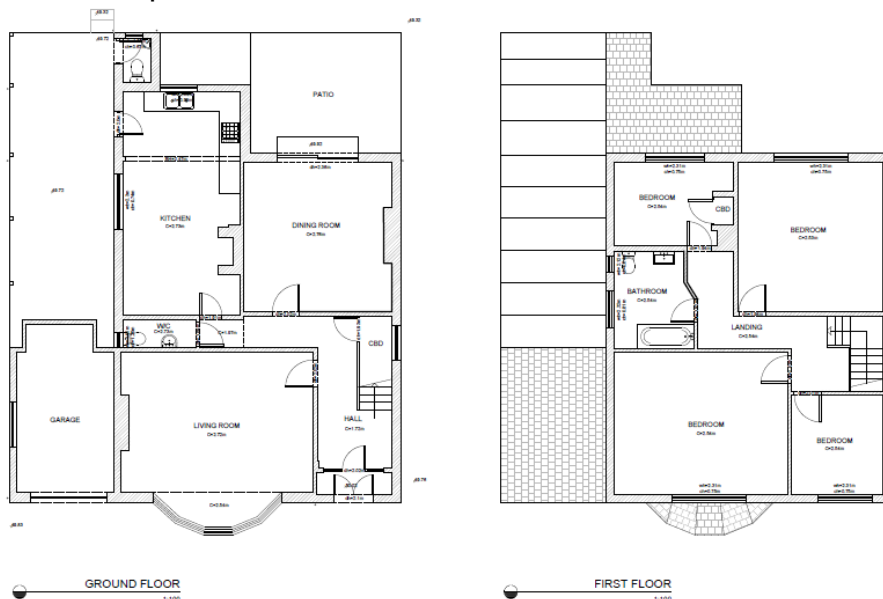
7.17 The properties most affected by the development would be 168 and 172 Foxley Lane as well as 7 Badgers Walk as detailed within Figure 4 below:



Figure 4: Relationship of site to adjoining neighbours

168 Foxley Lane

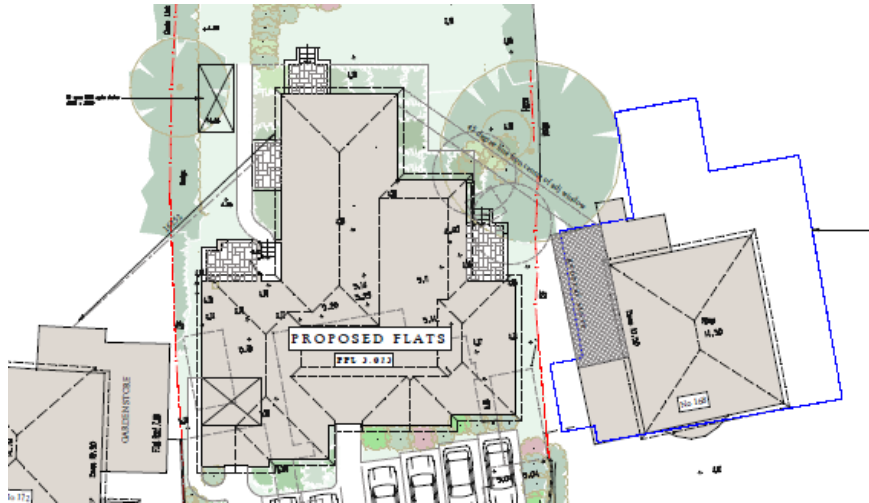
7.18 This site, to the north, has recently gained planning permission for redevelopment. However this permission has not yet been implemented. The existing dwelling contains a number of side and rear facing windows, as shown on the floor plan below:



7.20 The recently approved building at No. 168 also benefits from side and rear facing windows, as shown below. As with the existing no side facing windows are principal windows to habitable rooms.



7.21 The proposed building has been designed with the existing building and the approved scheme in mind and would not breach the 45 degree rule for either the existing or proposed building at No. 168, as illustrated below:

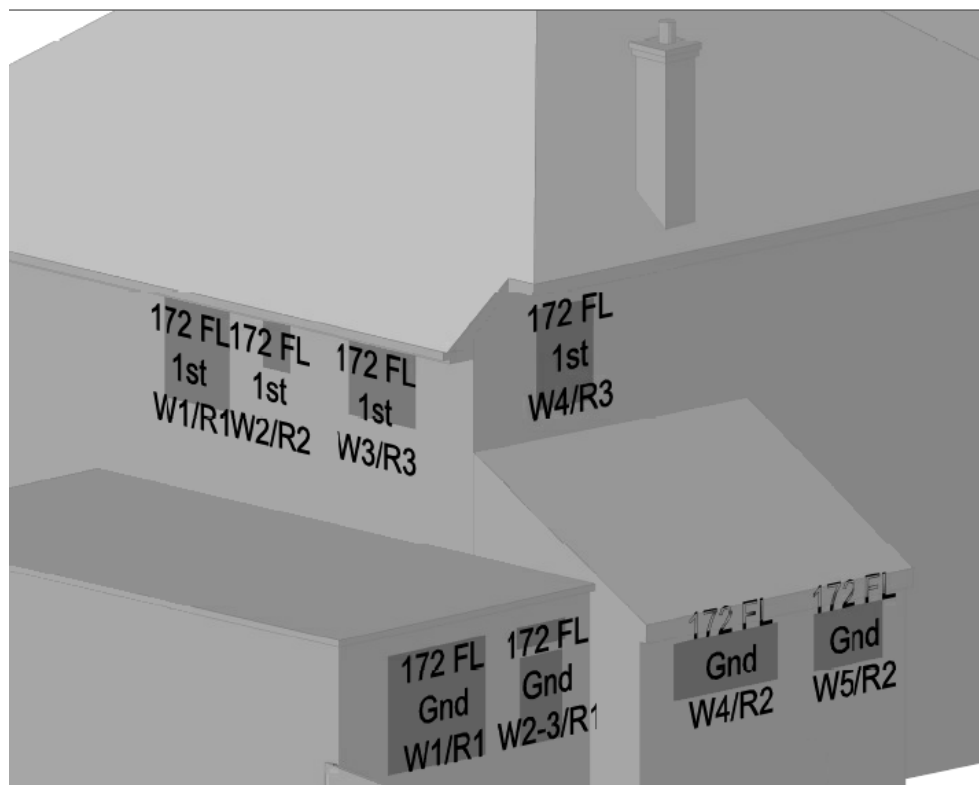


7.22 All proposed private amenity spaces are shown as being set within the building envelope, restricting overlooking and utilising solid materials up to a height of 1.7 metres within their flanks. Whilst flank windows are proposed, these are secondary windows and would therefore be controlled via condition to be non-opening and obscure glazed up to 1.7 metres from the internal floor level.

7.23 Therefore, the impact of the proposed building on both the existing dwelling and the proposed flats would be acceptable.

172 Foxley Lane

7.24 The property to the south at No. 172 has a number of rear facing windows in the rear elevation, as shown on the 3D image below:



- 7.25 The submitted site location plan demonstrates that the depth of the proposed rear projection would modestly exceed the 45 degree angle, measured from ground floor window W4/R2 above. Windows W4 & W5 serve the same room. The application was amended during the course of the application to reduce the rearwards projection to the extent now shown. Given that the area of the building exceeding the 45 degree angle is approximately 17 metres from the affected windows and set in from the side boundary of the site, there would not in this instance be an unacceptable loss of outlook to the property at No. 172.
- 7.26 In addition, a Daylight & Sunlight Assessment has been submitted. Whilst a number of secondary windows would experience small transgressions of the BRE guidance, overall each of the affected rooms would still benefit from adequate levels of daylight and sunlight.
- 7.27 As above, the balcony flank walls would afford sufficient privacy and the side facing windows will be subject to a condition requiring them to be obscured glazed. As such, there would be no loss of privacy to the property at No. 172.

7 Badger's Walk

- 7.24 The proposed building would be located approximately 25 metres from the rear elevation of 7 Badgers Walk. This distance is sufficient to ensure that there would not be an unacceptable level of overlooking, loss of light or loss of privacy to this neighbouring property.

The Standard of Accommodation for Future Occupiers

- 7.27 All the units would comply with requirements set out by the Nationally Described Space Standards (NDSS) in relation to units, bedrooms and floor to ceiling heights. All units are provided with acceptable outlook, daylight and sunlight, with all being dual aspect in nature.
- 7.28 As regards external amenity space, the London Housing SPG and Croydon Plan states that a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm for each additional person. Each unit would benefit from private amenity space which would meet or exceed these minimum private open space requirements.
- 7.29 In addition to private amenity spaces, the proposal includes children's play-space within the communal area at the rear. Details of this play-space will be controlled through the use of a planning condition, in line with London Plan Policy 3.6 and the Mayor's Supplementary Planning Guidance 'Shaping Neighbourhoods: Play and Informal Recreation'.
- 7.30 The scheme achieves M4(2) compliance. Specifically, the ground units would have step free access from the front door and to the refuse store, and reasonable level access to the communal space to the rear via the side ramp. The level/step-free access issues from the internal access route into the rear have arisen due to the topography of the site and the building being set at grade to retain the character of the area and protect the existing trees. Whilst the inclusion of a lift shaft might well have provided a solution to this matter, it would have had

significant impact on viability and would have certainly reduced the number of rooms and/or flats and would have reduced the capacity of the site to optimise the number of units sustainably achievable. In such circumstances, the London Plan advises that units above or below the ground floor should satisfy M4(1), which is achievable. Whilst this flexibility does not apply to ground floor units, in view of the particular site circumstances and in order to protect the character of the street scene against the backdrop of housing need, the proposal is considered acceptable without providing level access to the upper floors.

- 7.31 The development would provide high quality accommodation including a number of family sized homes with high quality internal layouts, private amenity space, and communal areas for all future occupiers.

Trees

- 7.32 There is a prominent Pine Tree to the front of the site, which is subject to a Tree Preservation Order (TPO). The Pine at No.168 is also protected by a TPO. The submitted Arboricultural Method Statement outlines that the protected tree on-site will be enclosed within Tree Protection Fencing, which will be ensured by condition, to prevent damage during construction. The new parking area will lie partially within the root protection area of the tree. The Arboricultural Method Statement outlines that this shall be constructed of a geoweb cellular membrane with a permeable surface above, to ensure adequate drainage for the tree. Any excavation will be carried out by hand and overseen by a suitable professional to ensure an acceptable depth. To the rear, the scheme would entail the removal of 3 Category 'C' trees which are considered to be of low quality. This is acceptable. Overall, the tree protection measures and extent of tree removal would be acceptable.

- 7.33 An acceptable indicative landscaping scheme has been prepared, but further details will be secured by condition.

Parking and Highways

- 7.34 The site has a PTAL rating of 1b which indicates poor accessibility to public transport, although the site is located in close proximity to local bus stops and existing cycle lane situated along Foxley Lane, which provide access to Purley District Centre.
- 7.35 The London Plan and Policy DM30 of CLP2018 sets out that maximum car parking standards for residential developments based on public transport accessibility levels and local character. 1-2 bedroom units should provide a maximum of up to 1 space per unit and up to 1.5 spaces per unit for 3 bedrooms. It is important to note that the SDG states in low PTAL areas of 0 and 1, the Council should seek to accommodate all parking within the site (off street) and any anticipated need for on-street parking will be judged on a case by case basis. Taking into account the proposed unit mix and policy requirement, the maximum number of spaces policy could require would be 10.5 spaces (1.5 spaces for each 3-bed unit, of which there are 3, and 1 space per 1/2 bed unit, of which there are 6) – but it should be noted that this is a maximum number and a number

of policies aim to promote sustainable development by limiting reliance on the private car, as well as other measures.

- 7.36 This proposal proposes 9 on-site parking bays with 1 space designated for each unit, and one blue-badge holder space, in-line with the policy requirements for a development of this nature in this location.
- 7.37 Cycle storage facilities will need to comply with the London Plan (which would require 17 spaces). These are proposed to be located internally, along with the bin store. Whilst the location is considered acceptable, further details in relation to the proposed appearance, size and security of this storage will need to be controlled through the use of planning conditions.
- 7.39 The bin store is also proposed to be located internally, which is acceptable and it meets the dimension requirements for the requisite number of bins.
- 7.40 The site layout would be capable of accommodating all construction vehicles on site for the duration of the construction process. A Demolition, Construction Logistics and Environmental Management Plan will be required by a condition before commencement of work, particularly given the proximity of the site to Foxley Lane. This should also outline measures to minimise noise and dust impacts and disruption to neighbours.

Flood Risk

- 7.41 The application lies within area at risk from both surface water and ground water flooding. A Flood Risk Assessment (FRA) has been provided outlining the existing on-site specifics alongside proposed situation. The site is at low risk of surface water flooding, but in very heavy rainfall events surface water may flow through the rear of the site at a depth of up to 300mm. The proposed floor level would be 500mm above the existing ground level and so the properties are unlikely to flood internally. Building resilience measures may still be required to ensure that any water flowing around the building has a minimal impact on the units. The assessment has outlined that the development would not increase off-site flood risk and that additional surface water would drain to a borehole, pending further site investigations. The proposed approach is satisfactory and an updated FRA is required along with any updated mitigation measures undertaken in accordance with the updated FRA (following further on-site investigations). Officers are satisfied that flood risk can be satisfactorily mitigated.

Other planning matters

- 7.42 Conditions are recommended in relation to carbon emissions and water use targets for the development, to achieve sustainability objectives in accordance with policy.
- 7.43 The development would be CIL liable. This would contribute to meeting the need for physical and social infrastructure, including education and healthcare facilities.

Conclusion

- 7.44 The site is in a sustainable location for new housing development and the scale, size and amount of development is appropriate for its setting. The new dwellings would provide a good quality and appropriate mix of family sized housing types, supported by car parking, cycle storage and bin storage. The impacts to neighbours would be largely limited to the construction period and the further potential impacts highlighted in this report would be mitigated by the recommended planning conditions.
- 7.45 The proposal would comply with the Croydon Local Plan 2018 and would be acceptable. Taking all of the above planning considerations into account, it is recommended that planning permission should be granted.
- 7.46 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted subject to a legal agreement for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.