

1.0 APPLICATION DETAILS

Ref: 21/03333/FUL
 Location: 87-89 Foxley Lane, Purley CR8 3HP
 Ward: Coulsdon Town
 Description: Demolition of pair of semi-detached houses and erection of a three storey building plus accommodation in the roof comprising 22 flats with associated car parking and landscaping
 Drawing Nos: PL_001_00; 020_00; 021_00; 022_00; 023_00; 030_00; 100_09; 101_09; 102_09; 103_09; 104_09; 105_09; 200_07; 201_07; 20_07; 203_07; 300_07; 600_07;
 Agent: Paul Lewis, Altham Lewis Architects
 Applicant: Lee Clemson, Mantle Developments UK Ltd
 Case Officer: Yvette Ralston

	1 bed	2 beds	3 bed	TOTAL
Existing			1	
Proposed Market housing	4 x 1b2p	1 x 2b4p 2 x 2b3p	1 x 3b5p 11 x 3b4p	19
Proposed First Homes			3 x 3b4p	3
Total proposed	4	3	15	22

Number of car parking spaces	Number of cycle parking spaces
22	44

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
- Referral to committee from Cllr Badsha Quadir

2.0 RECOMMENDATION

2.1 That the Planning Committee resolve to GRANT planning permission subject to the completion of a legal agreement to secure the following:

- Affordable housing (3 x First Homes) on site plus review mechanisms.
- Sustainable transport contribution of £33,000
- Carbon offset contribution of £32,195
- Air quality contribution of £2,200
- Local employment and training (construction phase) contribution of £12,500 plus Local Employment and Training Strategy
- S.278 agreement to secure highways works

- Monitoring fee
- Payment of the Council's reasonable legal costs.

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

2.3 That the Director of Planning & Sustainable Regeneration has 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. Development to be carried out in accordance with the approved drawings and reports

Pre-commencement conditions

3. Submission of Construction Logistics Plan
4. Construction Environmental Management Plan for Biodiversity
5. Submission of a copy of the EPS Licence for Bats

Prior to above ground works

6. Submission of Piling Method Statement
7. Submission of materials / design details including for the bin and bike store
8. Submission of landscaping, child play and communal amenity space details
9. Submission of Biodiversity Enhancement Plan
10. Submission of final car park layout plan showing 2 x blue badge spaces meeting all the spacing requirements and no boundary treatments above 0.6m in the sightlines
11. Submission of final Fire Statement

Pre-occupation / compliance conditions

12. Submission of Public Art Strategy for the site
13. Obscure glazing on flank windows above ground floor level
14. Secure by Design accreditation
15. Compliance with Arboricultural Assessment and Tree Protection Plan
16. Compliance with Ecological Appraisal recommendations
17. Sustainable drainage to be implemented in accordance with Flood Risk Assessment & Drainage Strategy
18. Refuse storage to be implemented in accordance with plans
19. Installation of EVCPs in accordance with Building Regulations requirements
20. Development in accordance with accessible homes requirements
Implementation of PV panels and energy efficiency measures in accordance with Energy Statement
21. Compliance with water efficiency requirements
22. Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport

INFORMATIVES

1. Granted subject to a Section 106 Agreement
2. Community Infrastructure Levy
3. Code of practice for Construction Sites
4. Highways informative in relation to s278 and s38 works required
5. Compliance with Building/Fire Regulations
6. Thames Water Informatives regarding surface water and ground water
7. Noise standards for living rooms and bedrooms and noise from plants/machinery
8. Compliance with guidance on light pollution
9. Requirement for ultra-low NOx boiler
10. Any other informative(s) considered necessary by the Director of Planning and Strategic Transport

3.0 PROPOSAL AND LOCATION DETAILS

Proposal

3.1 The applicant seeks full planning permission for the following:

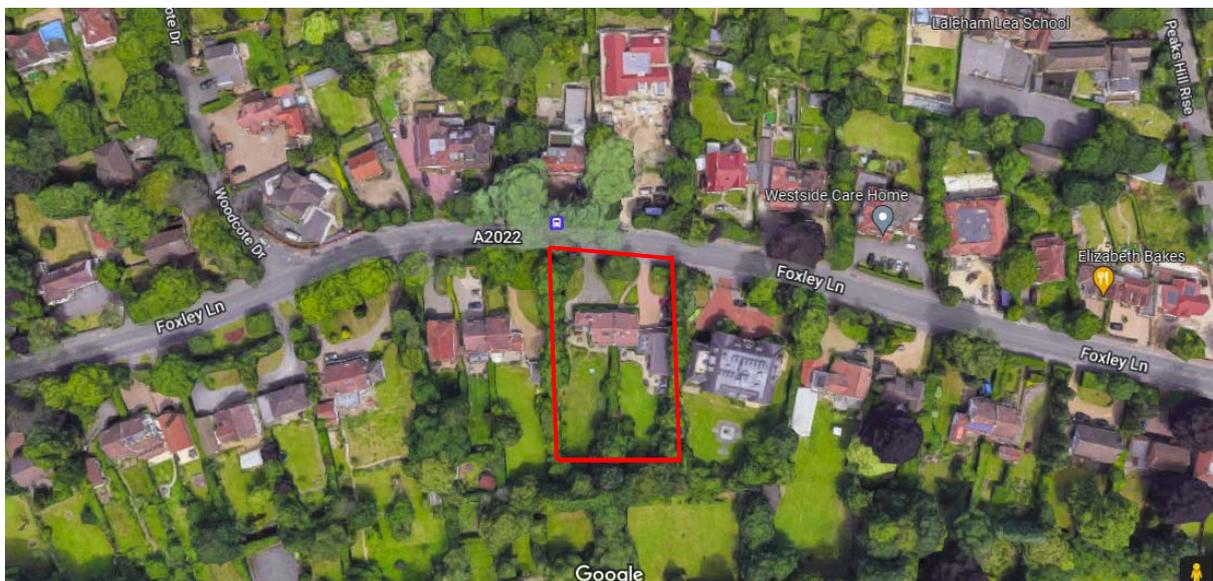
- Demolition of the two dwellings on the site
- Erection of a replacement building of 4 storeys comprising 22 flats including 3 affordable units at discount market sale (First Homes)
- 22 parking spaces on the front forecourt and 44 cycle parking spaces in the rear garden
- Communal and private amenity space, play space and hard and soft landscaping
- Removal of one vehicular crossover and relocation of the other.



- 3.2 During the assessment of the application, minor amendments to the plans have been made to respond to minor comments on the design and transport layouts. In addition, a landscape layout plan and landscape management plan were submitted. These amendments were not material in nature and did not require public re-consultation.

Site and Surroundings

- 3.3 The application site lies on the south side of Foxley Avenue and is occupied by 2 large semi-detached properties. The properties are 2 storeys in height with hipped roofs and a mock Tudor finish at first-floor level. Number 87 has a large single storey side/rear extension which extends towards the boundary with number 85. The properties are set back from the road within spacious plots with landscaping and large trees on the front forecourts.
- 3.4 This section of Foxley Road generally has a Sylvan character with well landscaped front gardens and mature trees. The surrounding area comprises a mix of detached and semi-detached dwellings and flatted blocks. The neighbouring building to the east is Wakeling Court, a large three-storey flatted block (allowed at appeal 04/05331/P), with 2 storey semi-detached and detached properties to the west.
- 3.5 The site adjoins the Webb Estate and Upper Woodcote Village Conservation Area to the rear (south). There are several trees on the site. None are protected by TPOs but there is a TPO at number 85 (Wakeling Court) (TPO 34, 1989). The site has a PTAL of 1b and Foxley Lane is a classified road.



Aerial view of site

Planning History

- 3.6 Site history at 87-89 Foxley Lane is set out below.

3.7 20/02239/FUL: Demolition of two existing dwellinghouses; construction of a block of flats comprising of 23 units and a terrace of 5 dwellinghouses to the rear; together with vehicle and cycle parking, refuse storage and hard and soft landscaping. Permission refused 13/10/20. Appeal PP/L5240/W/20/3266186 dismissed 10/03/2022 on the following grounds:

- Failure to respect the character and appearance of the area
- Harm to the setting of the Conservation Area which would not be outweighed by the limited public benefits of the scheme
- Too many single aspect units and insufficient evidence to demonstrate that acceptable living conditions would be provided for future occupants
- Proposed parking arrangements would not provide safe and adequate access for pedestrians, cyclists and others which would compromise highway safety
- The loss of trees across the site would not be outweighed by the limited public benefits of the scheme

3.8 08/02040/P: Demolition of existing buildings; erection of two storey building with accommodation in roofspace and basement car parking, comprising 12 two bedroom and 2 one-bedroom flats; formation of vehicular access and provision of associated parking. Permission refused 14/10/08

3.9 Householder application history at 87 Foxley Lane:

- 14/00564/P: Erection of first floor extension onto side/rear garage – permission refused 14.04.2014
- 09/00594/P: Erection of single storey link extension – permission granted 27.04.2009
- 01/02343/P: Erection of dormer extension in rear roof slope – permission granted 03.10.2001
- 01/02200/LP: Erection of dormer extension in rear roof slope – certificate refused 15.08.2001
- 88/01498/P: Erection of single storey side extension – permission granted 22.06.1988

3.9 Householder application history at 89 Foxley Lane:

- 12/02909/P: Erection of single storey rear extension – permission granted 21.01.2013
- 99/01320/P: Demolition of existing garage; erection of replacement detached garage – permission granted 28.07.1999

3.10 91 Foxley Lane:

- There is an application pending at 91 Foxley Lane for the erection of a detached house with new vehicular access and off-street parking (ref: 21/05546/FUL). This would be positioned adjacent to the application site (next to the existing property at number 91). It has not yet been determined.

3.10 Pre-application history at 87-89 Foxley Lane:

- 20/06489/PRE: Demolition of pair of demi detached houses and erection of 26 units comprising 22 flats and 4 houses, along with 26 car parking spaces.
19/01573/PRE: Proposed demolition of the existing buildings and erection of a new frontage block comprising 25 flats and 6 new dwellings to the rear of the site.
- 19/04600/PRE: Construction of a block of flats comprising 24 units (6 x 1-bed, 15 x 2-bed and 3 x 3-bed) and a row of 5 x 4-bedroom dwellinghouses to the rear; all together with 18 car parking spaces, a vehicular access to the rear and a detached bin refuse; following demolition of existing dwellings.
- 19/05845/PRE: Demolish existing house and erection of flats comprising of 16 units and five houses to the rear of site

4.0 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The principle of the intensified residential development is acceptable given the residential character of the surrounding area and 22 residential units would make a positive contribution to housing delivery.
- 15% affordable housing is proposed in the form of 3 x 3-bed First Homes (discount market sale) plus review mechanisms.
- The proposal includes a mix of different sized units including 68% 3-bed units and provides a decent quality of accommodation for residents.
- The design and appearance of the development is of a high quality and would be a positive contribution to the character of the area.
- The proposed development would not have an unacceptable impact on neighbouring properties' living conditions.
- The access arrangements would not have an unacceptable impact on highway safety.
- 22 car parking spaces would be provided on site, which represents 1:1 car parking. Cycle parking is also proposed.
- Suitable planning obligations and conditions have been recommended.

5.0 CONSULTATIONS

5.1 Discussion with internal consultees within the Planning Service including Spatial Planning (Design), Highways and Trees has taken place and is referred to within the report as appropriate.

5.2 Comments from external consultees have been received as follows:

LLFA

5.3 No objection. More detail is provided in paragraphs 8.71-8.72 of this report.

Ecology

5.4 No objection. More detail is provided in paragraphs 8.51-8.55 of this report.

Building Control (Fire Safety)

5.5 No objection subject to minor amendments which can be secured by condition.

Sustainability (energy)

5.6 No objection. More detail is provided in paragraphs 8.74 of this report.

Thames Water

5.7 No objection subject to condition for a Piling Method Statement as the development is located within 15 metres of a strategic sewer, and informatives regarding surface water and ground water. No objection with regard to waste water network and sewage treatment works infrastructure capacity.

Designing out Crime

5.8 The following points are raised:

- Lack of security to the front perimeter of the site means that access can be gained easily to all sides of the property
- Lack of defensible space around windows at ground floor level mean people can loiter outside
- Cycle store is at the rear, amongst trees where there is no natural surveillance. This position could lead to bike thefts and be unsafe for residents.
- Post strategy and access control system should be clarified.

5.9 It is concluded that overall, with some minor amendments, the development could achieve the security requirements of Secured by Design. It is recommended that a condition is attached to ensure Secured by Design standards are achieved.

Environmental Health

5.10 No objection subject to conditions or informatives for:

- Code of practice for controlling Pollution and Noise from Demolition and Construction Sites
- Submission of construction logistics plan
- Noise standards for living rooms and bedrooms and noise from plants/machinery
- Compliance with guidance on light pollution
- Requirement for ultra-low NOx boiler

6.0 LOCAL REPRESENTATION

6.1 The application was publicised by 28 letters of notification to neighbouring properties. The number of representations received in response to the consultation are as follows.

6.2 A site notice was displayed outside the site and a press notice was published in the Croydon Guardian on 15.07.21.

6.3 No of individual responses: 39; Objecting: 39; Supporting: 0

6.4 The following objections 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.

Objection	Officer comment
<u>Character and mass</u> <ul style="list-style-type: none"> • Overdevelopment • Density and height too great • Dominates the plot, fails to respect the local development pattern • Not in keeping with the area • Number 91 and 93 will be left sandwiched between 2 giant buildings • These are some of the only remaining original buildings on Foxley lane • Fails to respect the Webb Estate CA 	Addressed in paragraphs 8.12-8.27 of this report
<u>Highways impacts</u> <ul style="list-style-type: none"> • Dangerous for cars to exit opposite the bus stop • Inadequate parking provision • Increase in traffic and pollution 	Addressed in paragraphs 8.56-8.64 of this report
<u>Amenity impacts</u> <ul style="list-style-type: none"> • Privacy impacts on 93 and 93A Foxley Lane • Overlooking and loss of privacy 	Addressed in paragraphs 8.36-8.45 of this report
<u>Environmental</u> <ul style="list-style-type: none"> • Loss of garden space and vegetation • Environmental and climate change impacts 	<p>2 trees are proposed for removal with mitigation provided by way of 18 new trees. A large garden area is retained.</p> <p>An Energy Statement has been submitted outlining how carbon emissions would be reduced from the proposed scheme to achieve net zero carbon.</p>
<u>Other</u> <ul style="list-style-type: none"> • Determination should wait until the outcome of the previous appeal 	The appeal has now been dismissed
<ul style="list-style-type: none"> • Lack of infrastructure in the area 	A CIL contribution would be made towards local infrastructure
<ul style="list-style-type: none"> • Low quality accommodation 	Addressed in paragraphs 8.28-8.35 of this report
<ul style="list-style-type: none"> • Need more houses, not flats 	Both houses and flats are required to meet the Council's housing targets
<ul style="list-style-type: none"> • 14 flats were refused in 2008, why is 22 now acceptable 	Each scheme is assessed on its own merits. The 2008

	<p>scheme was assessed under a different development plan and had a different design.</p>
--	---

6.5 The Purley and Woodcote Residents Association objects to the proposal on the following grounds:

- Loss of family home
- Overdevelopment resulting in inadequate amenity space
- Design out of keeping due to massing, form, layout and appearance
- Detrimental amenity impacts on neighbouring properties
- Inadequate car parking

6.6 Cllr, Badsha Quadir has referred the application to Committee on the following grounds:

- Loss of 2 family homes
- Cumulative impacts of flats on local area
- Unclear how many parking spaces available
- Loss of privacy and light to surrounding properties

7.0 RELEVANT PLANNING POLICIES AND GUIDANCE

7.1 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 London Plan (2021), the Croydon Local Plan (2018) and the South London Waste Plan (2012).

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

7.3 The main planning Policies relevant in the assessment of this application are:

London Plan (2021):

- 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
- S11 Improving air quality
- S12 Minimising greenhouse gas emissions
- S13 Energy infrastructure
- S112 Flood risk management
- S113 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
- DM1 Housing choice for sustainable communities
- SP4 Urban Design and Local Character
- DM10 Design and character
- DM13 Refuse and recycling
- SP6 Environment and Climate Change
- DM23 Development and construction
- DM25 Sustainable drainage systems and reducing floor risk
- DM27 Protecting and Enhancing our Biodiversity
- DM28 Trees
- SP8 Transport and communications
- DM29 Promoting sustainable travel and reducing congestion
- DM30 Car and cycle parking in new development

Supplementary Planning Documents/Guidance

- [Croydon Suburban Design Guide SPD \(2019\)](#)^[S11]
- Section 106 Planning Obligations in Croydon and their relationship to the Community Infrastructure Levy (2019)
- London Housing SPG (Mayor of London, 2016)
- Accessible London: Achieving an Inclusive Environment SPG (Mayor of London, 2014)
- Play and Informal Recreation SPG (Mayor of London, 2012)
- Character and Context SPG (Mayor of London, 2014)
- Sustainable Design and Construction SPG (Mayor of London, 2014)

Officers note that Mayor Perry intends to revoke the Croydon Suburban Design Guide SPD (2019). The SPD remains in place as of today and is a material consideration in the determination of relevant planning applications, such as that before members, although the amount of weight afforded to it is a matter for the decision maker.

8.0 MATERIAL PLANNING CONSIDERATIONS

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

- Principle of development
- Housing tenure and mix
- Design and impact on the character of the area
- Quality of accommodation
- Impact on neighbouring residential amenity
- Trees and landscaping
- Ecology
- Access, parking and highways impacts
- Flood risk
- Energy efficiency

Principle of Development

8.2 The existing use of the site is residential and as such the principle of redeveloping the site for residential purposes is acceptable. The London Plan (2021) sets a minimum ten-year target for the borough of 20,790 new homes over the period of 2019-2029. London Plan policy D3 encourages incremental densification to achieve a change in densities in the most appropriate way.

8.3 Policy SP2.1 of the Croydon Local Plan (2018) applies a presumption in favour of development of new homes and Policy SP2.2 states that the Council will seek to deliver 32,890 homes between 2016 and 2036, with 10,060 of said homes being delivered across the borough on windfall sites.

8.4 Given the above, the principle of intensifying the residential use of the site to provide 22 flats is acceptable.

Housing tenure and mix

Tenure

8.5 London Plan policy H4 and Local Plan policy SP2.4 set a strategic target for 50% of homes delivered across London and across Croydon to be genuinely affordable, subject to viability. The threshold approach to affordable housing outlined in London Plan policy H5 states that applicants must provide a minimum of 35% affordable housing on site to follow the fast-track route. Further to this, Local Plan policy SP2.5 states that the minimum level of affordable housing is 30% on site, or if this is not viable, then 15% affordable housing must be provided on site (measured by habitable room) along with review mechanisms with a view to increasing the affordable housing provision up to 50% overall provision through a commuted sum based on a review of actual sales values and build costs of completed units.

- 8.6 A financial viability assessment has been provided testing provision various levels of affordable provision, including a fully market sale scheme, 18% affordable housing, and 50% affordable housing. It is concluded that all 3 options, including the 100% private sale scheme, would result in an overall deficit. The applicant also submitted evidence demonstrating that they had been unable to gain interest from a registered provider to take on a small number of affordable units within the proposed scheme.
- 8.7 The viability appraisal was subject to an independent review undertaken on behalf of the Council. This review also concluded that the scheme would be unviable regardless of whether a 100% market scheme or a 50% affordable scheme is provided.
- 8.8 Regardless of the viability position, the 15% minimum on-site provision outlined in Local Plan policy SP2.5 is not subject to viability. The applicant has confirmed that they would provide 3 x 3 bed units as First Homes (16% by habitable room). First Homes are discount market sale homes which would be sold at 30% below the market value to people who meet the First Homes eligibility criteria. They would be secured through a S106 Agreement.
- 8.9 First Homes would be classified as intermediate homes. The Council normally seeks a 60:40 ratio between affordable rented and intermediate homes, however it has been demonstrated that no registered providers are interested in taking on a handful of units for affordable rent. The Government has set a target for 25% of all affordable housing to be delivered as First Homes and states that First Homes are their preferred discount market tenure. The provision of 3 First Homes is acceptable on balance.

Unit size mix

- 8.10 Policies SP2.7 sets a strategic target for 30% of all new homes over the plan period to have 3 or more bedrooms to ensure that the borough's need for family sized units is met. To achieve this strategic target, Policy DM1.1 sets out a minimum percentage of 3-bed units that must be achieved on major schemes. In suburban areas of low PTAL, such as this, the requirement is for 70% of homes to have 3 or more beds.
- 8.11 The proposal is for 1 x 3b5p, 14 x 3b4p, 1 x 2b4p, 2 x 2b3p, 4 x 1b2p units. This mix comprises 68% 3-bed units which broadly complies with the 70% target. A good mix of different sized accommodation is proposed, along with affordable homes.

Design and impact on the character of the area

- 8.12 The site comprises 2 semi-detached properties of 2 storeys with mock Tudor and a pitched roof. They are set back from the road within spacious plots. There is no in principle objection to their demolition.

Heritage impacts

- 8.13 The site adjoins the Webb Estate and Upper Woodcote Village Conservation Area to the rear (south). A Heritage Statement has been submitted to assess the impact of the scheme on the setting of the Conservation Area.
- 8.14 The scheme has been designed to limit its impact on the Conservation Area. No development is proposed towards the rear of the site (which addresses concerns raised in the appeal scheme which was dismissed – ref: 20/02239/FUL). There would be a minimum separation distance of 30m from the rear of the block to the site boundary which adjoins the rear garden of 6-8 Rose Walk within the Webb Estate. Given the separation distance, the proposed block would not be an unduly prominent or overbearing mass of built form when viewed from the Conservation Area. The mature trees at the rear of the site also provide screening.
- 8.15 It is concluded that the proposed scheme would not form a negative feature within the setting of the Conservation Area. That is accepted by the Council. No conflict with Local Plan policy DM18 or London Plan policy HC1 is identified.

Scale and mass

- 8.16 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. Proposals should seek to achieve a minimum height of 3 storeys, should respect the development pattern, layout and siting; the scale, height, massing, and density; and the appearance, existing materials and built and natural features of the surrounding area. London Plan policy D3 states that a design-led approach should be pursued and that proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness.
- 8.17 The proposal is for a building of 3 storeys plus roof. Neighbouring properties along Foxley Avenue are varied in height and style, comprising 2-storey suburban detached and semi-detached properties as well as larger flatted blocks of 3-4 storeys. The directly adjoining properties are Wakeling Court at 85 Foxley Lane to the east, which is a large 4 storey block, and 2-storey semi-detached property at number 91 to the west. The building would have a ridge height approximately 3m higher than both neighbouring properties.
- 8.18 The proposed footprint is larger than the existing buildings on the site but the separation distance to the site boundaries would be increased compared to the existing situation. There would be a 3.7m to 4.1m separation distance to the eastern boundary and a 7.1m to 8.4m separation distance to the western boundary.
- 8.19 Along Foxley Lane the heights of buildings vary, and in this case the proposed height of 3 storeys plus roof would fit in with the variation of ridge heights. When the increased mass and footprint is considered alongside the substantial gaps at

the sides, it is considered that overall, the scale and massing of the proposal would retain the established spacious character of the area.

- 8.20 The footprint is stepped in towards the rear so that there is no breach of the 45-degree lines from the closest ground floor windows of neighbouring properties. The depth of the footprint is acceptable given the size of this spacious site. The front building line broadly follows the prevailing building line along the street and the stepping of the building line helps to break up the massing, which is supported by officers.
- 8.21 The form of the building has been well considered. The side elevations are angled so that the bulk towards the rear of the building would not be viewed when approaching from either side up Foxley Lane. The forward projecting gables are supported as an approach that is responsive to the existing and emerging context. Side gables are also proposed; discussion has taken place with the applicant regarding these gables and the applicant has explored a consistent pitch from front to back. However, during the discussion, the applicant team was able to demonstrate to the Council that the proposed side gables are the most appropriate design approach. The form of the building is simple in its contemporary style and is supported. Overall, the scale and massing would comply with Policy DM10.1, achieving at least 3 storeys whilst respecting the spacious development pattern of the street, maintaining substantial gaps between buildings, and following the building line.

Site layout

- 8.22 The site layout features hardstanding at the front of the site to accommodate 22 car parking spaces. The existing properties on the application site have large front forecourts which are partially paved and partially grass, consistent with other properties along Foxley Lane. The provision of forecourt car parking is therefore not out of character in this location. The size of the large front forecourt allows space for some well-considered and substantial landscaping along the frontage and between the parking spaces to break up the hardstanding to ensure that the car parking would not have a negative impact on the streetscene.
- 8.23 One vehicular entrance is proposed on the west side which provides access to all the car parking spaces plus an access path providing access to the refuse store for the refuse truck.
- 8.24 There is an additional pedestrian access proposed from Foxley Lane providing step-free access directly to the front entrance of the block. The cycle store is proposed within the rear garden along with general communal amenity space and children's play space. The rear of the site is bounded by dense tree coverage which would be retained.

Architectural expression and materials

- 8.25 The proposed materials are predominantly white brick with a red tile section on the right-hand side which would break up the mass of the building and ensure the material is not monotonous. The roof is proposed to be red tile brick. The proposed materials are contextually appropriate and robust. Window reveals are

shown on the plans to provide depth to the façade. Window frames are proposed to be bronze frames, with bronze balustrades to the balconies. The general design of the building is considered to represent a positive contribution to the streetscene which reflects the traditional design of the surrounding buildings. Detailed materials information will be secured by condition.

- 8.26 Local Plan policy DM14 requires all major schemes to include public art to enhance and create local distinctiveness and make a positive contribution to the public realm. The supporting text explains that this can be provided through the use of local artists within the design of design features (such as railings or balustrades) or public realm. A public art strategy would be required by condition.

Architectural expression and materials

- 8.27 The proposal is considered to comply with policies SP4.1 and DM10 and London Plan policy D3 as it is of an appropriate height and mass and a suitably high design quality which responds appropriately to its context and contributes positively to the streetscene. As explained above, it has been considered in its existing context, and the emerging context has also been considered, and officers are of the view that the cumulative impact of the proposed development within its emerging context would respect the existing character, maintaining its verdant spacious setting whilst efficiently using the land for new homes.

Quality of Accommodation

- 8.28 The National Design Guide states that well designed homes should be functional, accessible and sustainable. 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.

Internal and Amenity Space Standards

- 8.29 All proposed units comply with the minimum space standards and internal layouts are sensible with hallways and storage space shown.
- 8.30 All units, including those at roof level are dual aspect. Those at roof level would be served by rooflight windows and doors to balconies. An internal daylight study has been submitted assessing the average daylight factor for each habitable room within each unit. The sunlight and daylight assessment demonstrates that all the proposed units would achieve acceptable internal lighting.
- 8.31 All units would have private amenity space in the form of an inset balcony or terrace. These all comply with the space standards set out in Policy DM10.4 of the Local Plan and policy D6 of the London which require provision of high-quality private amenity space at a minimum of 5sqm per 1–2-person unit and an extra 1sqm per extra occupant thereafter. Each balcony is at least 1.5m in depth as required by London plan policy D6. The ground floor terrace of unit 6 on the front is proposed to be screened from the car park by planting.

Accessibility

- 8.32 London Plan policy D7 requires 10% of new-build housing to be M4(3) 'wheelchair user dwellings' and the remainder M4(2) 'accessible and adaptable'. 2 units are shown as M4(3) wheelchair units – units 9 and 15 on the first and second floor which are 1b2p units of 61sqm. 2 wheelchair accessible parking spaces are also provided on site. A lift is provided internally.
- 8.33 Step-free access is proposed via the pedestrian entrance from Foxley Lane to the main front entrance of the building, and from the car park to the front entrance. Step-free access would be provided through the building at ground floor level to the rear amenity space. Step-free access would also be provided to other facilities of the site including the bin store and bike store which are both external.

Communal garden

- 8.34 Local Plan policy DM10.5 requires all flatted developments to incorporate functional and high-quality communal amenity space that is designed to be flexible, multifunctional, accessible and inclusive. The communal garden would provide 1150sqm of shared amenity space for future occupiers, plus 105sqm of children's play space. The rear garden slopes gently upwards towards the rear. Various trees are proposed to be retained in the rear garden. Details of how this space would be used are not provided at this stage but the space is large and accessible and has potential to provide a high quality, multifunctional amenity garden for residents and play space for children. Final details would be secured by condition.

Fire safety

- 8.35 A Fire Statement has been provided in line with London Plan policy D12. This outlines the means of escape, fire safety measures and fire service access arrangements within the proposed scheme. The statement has been reviewed by the Council's Building Control department and has been deemed generally satisfactory subject to some minor amendments which can be finalised by condition. Ultimately it has been demonstrated that the proposed development would, subject to relevant conditions and compliance with the building regulations, achieve appropriate fire safety.
- 8.36 The proposal would provide a good quality of accommodation for future occupiers in accordance with Local Plan Policies SP2 and DM10 and London Plan policies D6, D7 and D12.

Impacts on neighbouring residential amenity

- 8.37 Policy DM10.6 of the Local Plan 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. The nearest residential properties are 91 Foxley Lane to the west, Wakeling Court at 85 Foxley Lane to the east and 6-8 Rose Walk to the south.

91 Foxley Lane

- 8.38 It is noted in the planning history section above that there is a live application in for erection of a new detached dwelling adjacent to number 91, in the space between number 91 and number 89 (ref: 21/05546/FUL). This application has not been determined or built, so the impacts on the existing building(s) need to be considered.
- 8.39 There would be no breach of the 45-degree lines drawn in plan or elevation from the closest ground floor window of number 91.
- 8.40 Number 91 has small side facing windows at ground, first and roof level. Those at first and roof level are small windows presumably serving the stairwell so are not habitable. The proposed scheme has side facing windows looking towards number 91 at the first and second floor. These are all secondary windows serving living room/kitchens, with their main outlook towards the front or rear. A condition would be attached to require these windows to be obscured up to 1.7m in height to avoid overlooking towards neighbouring properties. The side facing windows on the second floor / roof level would not need to be obscured as these are not orientated towards neighbouring properties. There is also a separation distance of 7.1m to 8.4m on the west side so the mass would not appear overbearing.
- 8.41 Concerns have been raised about overlooking impacts towards number 93 Foxley Lane. Whilst it may be possible to gain distant views from rear windows of the proposed scheme towards the rear garden of number 93, the separation distance is large, so this is acceptable.

85 Foxley Lane Wakeling Court

- 8.42 There would be no breach of the 45-degree lines drawn in plan from the closest ground floor window of Wakeling Court. There would however be a breach of the line drawn in elevation from the closest ground floor window of Wakeling Court. This window is a living room window of unit 4 within Wakeling Court. This room is served by another window and door on the rear elevation, so any loss of light is likely to be negligible.
- 8.43 Wakeling Court has a small private roof terrace serving unit 13 within the block, in proximity to the site. Local Plan policy DM10.6c states that proposals must not result in direct overlooking of private outdoor space within 10m perpendicular to the rear elevation of a dwelling. The proposal has side facing windows at the first and second floor level facing Wakeling Court. To avoid overlooking towards this roof terrace and other side facing windows of Wakeling Court, a condition would be attached to require the side facing windows to be obscured up to 1.7m in height to avoid overlooking towards neighbouring properties (as stated above for the opposite side of the building). The side facing windows affected are all secondary windows serving living room/kitchens, with their main outlook towards the front or rear.
- 8.44 A separation distance of 3.7m - 4.1m is retained on the eastern boundary on the application site, whereas Wakeling Court is very close to the side boundary, which could be considered unneighbourly.

6-8 Rose Walk

- 8.45 The separation distance at the rear is 30m to the site boundary and around 90m to the properties at 6 to 8 Rose Walk. No amenity concerns in terms of overlooking or overbearing impacts in this direction are raised.
- 8.46 Any potential amenity impacts on neighbouring properties have been adequately mitigated so the proposal complies with Local Plan policy DM10.6.

Trees and landscaping

- 8.47 Local Plan policy DM28 and London Plan policy T7 seek to retain existing trees and vegetation. The current site has a large number of mature trees on the site boundary on the east, west and south side and some trees on the front forecourt. The trees adjoining the site on the eastern side at the front (within number 85) are protected by TPOs. An Arboricultural report has been submitted assessing impacts on trees on and adjacent to the site.
- 8.48 There are 18 trees on the site and 2 trees (T11 and T15) in the rear garden are proposed to be removed. These are both apple trees which have been classified as category C. Replacement planting of approximately 18 new trees is proposed across the site, as well as low level planting around the car parking spaces on the front forecourt. This is suitable replacement planting to mitigate the proposed loss of 2 trees.
- 8.49 There are 8 trees which would have some element of construction works within their Root Protection Areas (RPAs). With reference to the submitted Arboricultural report; T1, T2, T3, T4, T5 and G6 would be affected by construction of the car parking surfacing and access road. T7 would have the proposed new bin store within its RPA. The Arboricultural report sets out a Tree Protection Plan which includes ground protection, supervised digging within the RPAs of trees, and the installation of a floating concrete slab over tree roots with a permeable surface. There is no objection from the Council's Tree Officer subject to compliance with the Tree Protection Plan.
- 8.50 Local Plan policy DM10.8 requires proposals to incorporate hard and soft landscaping and London Plan policy G5 requires major development proposals to include urban greening measure such as high-quality landscaping, green roofs and sustainable drainage. A landscape plan and landscape strategy has been submitted showing basic landscape features including amenity grass, new trees and shrubs and permeable paving. An Urban Greening Factor of 0.74 would be achieved across the site, which would comply with the target of 0.4 set out in London Plan policy G5. Final landscaping details would be provided by condition.
- 8.51 The proposal is considered to comply with Local Plan policy DM10.8 and DM28 and London Plan policies T5 and T7.

Ecology

- 8.52 Local Plan policy DM27 and London Plan policy G6 seeks to protect and enhance biodiversity in the borough. A preliminary ecological appraisal (PEA) and a bat

emergence / re-entrance survey has been submitted and reviewed by the council's ecology advisor.

- 8.53 Various recommendations are made within the PEA including retention of boundary hedgerows, construction outside of bird nesting season or a search for active bird nests prior to works, incorporation of a sensitive lighting scheme for commuting and foraging bats, and hedgehog protection measures. Some biodiversity features have already been incorporated into the plans and are shown within the Urban Greening Factor and Roof Plan i.e., species-rich grassland, new trees, hedges and shrub planting. The other features recommended, such as bat boxes, bird boxes and sensitive lighting requirements should be incorporated into final plans and secured by condition. It is recommended that consideration is also given to including hedgehog gaps in fencing, green walls, log piles, and provision of bug boxes, details of which can also be finalised by condition.
- 8.54 Both properties were identified as having moderate suitability for bat roosting. The Bat Survey report outlines that both properties (building B1) and the garage of number 87 (building B2) were subject to a single dusk emergence survey on the 02/08/2021 and a single dawn re-entry survey on 26/08/2021. An additional dusk emergence survey was carried out on Building B1 on 29/09/2021. Bats were confirmed to be roosting within B1 and bats were also recorded using the site for foraging and commuting purposes.
- 8.55 All bats in the United Kingdom and their habitats are protected under the Wildlife and Countryside Act 1981 (as amended), and the Conservation of Habitats and Species Regulations 2017 (as amended). It is an offence to damage or destroy any bat roost, intentionally or recklessly obstruct a bat roost, deliberately, intentionally or recklessly disturb a bat or intentionally kill, injure or take any bat. Therefore, a Natural England European Protected Species (EPS) Development licence or Bat Mitigation Class Licence must be secured to continue with development works on Building 1. This approach is supported by the Council's ecology advisor.
- 8.56 No objection has been raised subject to conditions for a Construction Environment Management Plan (Biodiversity) to detail the proposed mitigation measures, a plan showing the layout of the Biodiversity Enhancement measures, submission of a copy of the EPS Licence for bats and all works to be undertaken in accordance with the Ecological Appraisal recommendations. The proposal is considered to comply with Local Plan policy DM27 and London Plan policy G6.

Access, Parking and Highway Safety

Accessibility and access arrangements

- 8.57 The site has a Public Transport Accessibility Level (PTAL) of 1b which indicates very poor access to public transport. The closest train station is Purley which 1 mile or 1.6km away (20-minute walk) which is excluded from the PTAL calculation, although in practice it will be walking distance for many commuters. There is an eastbound bus stop opposite the site and another close opposite, for

routes 127 (6 buses an hour towards Purley or Tooting Broadway) and 612 (school bus). The site is not within a CPZ and Foxley Lane is a classified road and a bus route.

Access

- 8.58 The site has 2 existing vehicle crossovers. The proposal is to remove one of these and relocate the other to the west side of the site. The vehicle entrance would be 4.5m wide and would provide access for all cars into the car park and for refuse vehicles to access the bins. The proposed access arrangements are acceptable, and the crossover changes would be agreed through a S278 Agreement.
- 8.59 In addition, a contribution of £23,000 will be secured via S106 agreement to contribute towards sustainable transport initiatives in the local area in line with Local Plan policies SP8.12 and SP8.13.
- 8.60 Concerns have been raised about potential conflict with the bus stop opposite the site. The bus stop is highly visible from the vehicle access point, so no highway safety concerns are raised. Cars entering or exiting the site may have to wait for a bus to move first, which is not unusual along bus routes. A condition would be attached to ensure that boundary treatments and landscaping in the sightlines are retained below 0.6m in height.
- 8.61 A separate 1.5m wide pedestrian entrance is proposed in the centre of the site providing step-free access to the main front entrance. This is supported.

Car parking

- 8.62 22 car parking spaces are proposed on the front forecourt for the 22 flats (1 per unit). London Plan policy T6.1 would permit up to 1.5 spaces per unit which equates to a maximum of 33 spaces. The Council requires that sites in low PTALs provide for all their parking needs on site to avoid overspill parking onto the roads, however it is not always necessary or preferable to provide maximum car parking provision because 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. In this case, the site is directly opposite a bus stop which provides access to Purley town centre and other destinations; Cycle storage is proposed; Purley Station is a 20-minute walk away, and Purley town centre is slightly closer, meaning that not all residents will require a car for all trips and one car per home is considered acceptable.
- 8.63 Information has been submitted to justify the proposed level of car parking. A parking stress survey was carried out to assess the parking capacity of the local road network within 200m of the site. Parking beat surveys took place overnight on 10 and 11 March. Parking is uncontrolled in the area. No cars were found to be parked on the roads overnight, leaving 32 parking spaces available for unforeseen displaced carparking within 200m of the site. However, it is noted that cars are unlikely to park along this section of Foxley Lane as it is a classified A road and there are cycle lanes on both sides.

- 8.64 A cumulative car parking assessment has also been undertaken. All consented and undecided applications for new homes within 200m of the site within the last 5 years have been considered. 136 units have been approved/pending with 120 car parking spaces. All but 1 of the schemes generally provide for all their car parking requirements on site, with a potential overspill of 9 cars onto the public highway identified from 1 nearby scheme. The parking beat survey and the cumulative assessment both indicate sufficient car parking capacity in the vicinity. 1:1 car parking is acceptable and no objection to this has been raised by the Councils Highways Officer.
- 8.65 The tracking diagrams confirm that manoeuvring into and out of the parking spaces can be achieved safely. Two of the parking spaces are shown as a disabled bays on the plan. These bays require hatching around both sides to meet the required standards (the plans only show one side), and spaces next to landscaping walls and structures should be 3m wide to allow passengers to alight comfortably onto the hardstanding. These requirements have been discussed with the applicant and it has been demonstrated in a sketch that there is sufficient space within the parking forecourt to achieve these requirement so final details will be required by condition. A condition would also require 20% active and 80% passive electric vehicle charging points in line with policy DM30 and London Plan policy T6.1.

Cycle parking

- 8.66 Policy DM30 and London Plan policy T5 would require provision of a total of 42 cycle parking spaces for residents plus 2 visitor parking spaces. Cycle parking is proposed in the rear garden, accessed via the access road and a 1.5m pedestrian path. It provides space for 44 bikes using a 2-tier system plus Sheffield stands and space for larger bikes. The proposed layout is acceptable. The cycle store is proposed to have a pitched roof but further details of the external design of the cycle store is not provided at this stage so will be required by condition.
- 8.67 Visitor parking spaces are proposed at the top of the access road. This is acceptable.

Waste / Recycling Facilities and servicing

- 8.68 Policy DM13 requires the design of refuse and recycling facilities to be treated as an integral element of the overall design. The bin store is located externally at the top of the access drive, and is designed with a pitched roof, similar to the cycle store. Space for 6 x 1100L bins (6,600L total) is proposed. According to the Croydon Waste and Recycling in Planning Policy Document (2015), space for approximately 3,190 litres of general waste, 2,816 litres of dry recycling and 240 litres of food waste (6,246L total) would be required for a development of 22 flats. There is sufficient space in the bin store for the amount of waste that is likely to be generated. Details are acceptable and a compliance condition would be attached.
- 8.69 The manoeuvring tracks for a refuse vehicle are shown in the Transport Statement. The refuse vehicle would be able to stop within 18m of the last bin

within the store and there is space for turning on the forecourt. Details are acceptable.

8.70 There is also space for delivery and servicing on the site so there is no impact on the local highway network.

8.71 A draft Construction Logistics Plan (CLP) has been submitted, but a final version will be required by condition along with a condition survey of the surrounding footways and carriageway

Flood Risk

8.72 London Plan policy SI13 requires developments to achieve greenfield runoff rates and to manage surface water as close to source as possible by following the drainage hierarchy. Local Plan policies SP6 and DM25 require all developments to incorporate SUDS to reduce surface water runoff and provide water treatment on site.

8.73 The site is within flood zone 1, at low risk of surface water flooding (but Foxley Lane is at high risk of surface water flooding) and limited (low) risk of groundwater flooding. A Flood Risk Assessment has been provided. This outlines that rainwater harvesting (water butts), pervious paving and a soakaway would be incorporated into the scheme at approximately 3m below ground located beneath the car park. The Flood Risk Assessment has been reviewed by the LLFA. No objection is raised.

8.74 Thames Water have also raised no objection subject to standard informatives.

Energy Efficiency

8.75 London Plan policy SI2 outlines that major development proposals should be net zero carbon. This should be achieved in accordance with the energy hierarchy. An on-site reduction of at least 35% beyond building regulations is required and the remainder to be provided via a carbon offsetting contribution. It is proposed that fabric and heating improvements within the proposed building, as well as installation of solar PV panels would enable a reduction in CO₂ of 35.82% beyond building regulations. A carbon offset contribution of £32,195 would be secured through a S106 contribution to achieve net zero carbon requirements.

8.76 A water efficiency condition for a minimum standard of 110/litres/person/day would also be attached.

Conclusion

8.77 The provision of new homes in this location is acceptable in principle. The proposed design is considered to be an enhancement to the streetscene, and the massing and site layout is considered to be appropriate. The quality of accommodation is acceptable, with good levels of accessibility around the site and the building. The amount of car parking is acceptable. Impacts on trees and ecology are acceptable and the proposed SUDS strategy and energy efficiency measures are supported. The cumulative impacts of the design of the building within its setting, and the impacts on parking stress, have also been assessed

and would be acceptable. The proposal would contribute to housing delivery in a location which has public transport connections and is within a 20-minute walk of a well-connected train station and town centre. It would provide a 15 family-sized 3-bedroom homes, and 3 affordable homes which would be of benefit to first time buyers.

8.78 All material considerations have been taken into account, including responses to the public consultation. Considering the consistency of the scheme with the Development Plan and weighing this against all other material planning considerations, the proposal is acceptable in planning policy terms subject to the s.106 obligations and conditions outlined above.

Other matters

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

8.80 All other planning considerations including equalities have been considered.