

**Agenda Item: 6.3**

07/00303/P

24/01/2007

Shirley

Application for outline planning permission

Agent:  
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Tomei & Mackley Architects  
Ivy Mill House  
Ivy Mill Lane  
Godstone Surrey  
RH9 8NR

Applicant:  
S E Living Limited  
54-56 Mottingham Road  
London  
SE9 4QR

Location: 114 Orchard Way, Croydon, CR0 7NN

Description: Demolition of existing building; erection of two storey building comprising 8 two bedroom flats; alterations to vehicular access and provision of associated parking

Drawing No(s): 2720 - 01 Rev A, 2720.13, 2720.14 Rev.A; 2720.15 Rev.A; 2720.16 rev.A

**Recommendation: Grant Permission**

Subject to the following condition(s) and reason(s):-

1. The approval of the Local Planning Authority shall be obtained with respect to the following reserved matters before the development is begun:-

- (1) external appearance of the building
- (2) landscaping of the site

Reason: These matters were not submitted for consideration as part of the application.

2. The approval of the Local Planning Authority shall be obtained with respect to the following matters before the development is begun:-

## Section A

- (1) parking arrangements
- (2) cycle store
- (3) sight lines
- (4) visibility splays
- (5) vehicular accesses
- (6) security lighting including to parking areas

## Section B

- (7) roads, footpaths and access routes within the site including levels and gradients
- (8) refuse collection facilities
- (9) any boundary walls and fences or other means of enclosing the site

(10) finished floor levels of the building in relation to existing and proposed site levels

Reason: To ensure an acceptable standard of development having regard to the policies of the Croydon Replacement Unitary Development Plan (the Croydon Plan)

3. Any application for approval of the reserved matters referred to in Condition 1 shall be made to the Local Planning Authority within three years of the date of the permission  
Reason: To comply with the provisions of the Town and Country Planning Act 1990
4. Unless otherwise agreed by the Local Planning Authority, application for approval of the details referred to in Condition 2 shall be made to the Local Planning Authority at the same time as the first application for approval of the reserved matters referred to in Condition 1  
Reason: To ensure that the details of the development are considered in relation to each other
5. Unless otherwise previously agreed by the Local Planning Authority in writing the matters approved in compliance with Condition 2 shall be provided before any part of the development is occupied and those in Section A thereof shall also be retained for so long as the development remains in existence  
Reason: To ensure that an acceptable standard of development is provided and retained
6. No works on site shall commence until details of the external facing materials have been submitted to and approved by the Local Planning Authority in writing. The development shall only be implemented in accordance with such approved details.  
Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy UD2 of the Croydon Replacement Unitary Development Plan (the Croydon Plan)
7. The existing access shall be closed as specified in the application before any part of the development is occupied  
Reason: To ensure that the traffic conditions do not create conditions prejudicial to the free flow of traffic and the general safety of road users in accordance with Policy T11 of the Croydon Replacement Unitary Development Plan (the Croydon Plan)
8. Any new planting and/or other landscaping treatment approved in compliance with Condition 1 shall be provided before any part of the development is occupied or within such longer period or periods as the Local Planning Authority may previously agree in writing and shall be maintained for a period of five years from the date of planting; any planting which dies or is severely damaged or becomes seriously diseased or is removed within that period shall be replaced by planting of similar size and species to that originally provided  
Reason: To enhance the appearance of the development, protect the

visual amenities of the locality, and to ensure that the new planting becomes established in accordance with Policy UD14 of the Croydon Replacement Unitary Development Plan (the Croydon Plan)

9. Before the development is begun a report of historical uses of the site shall be carried out to the approval of the Local Planning Authority, to provide an assessment into the possibility of soil contamination.

If the report indicates the possibility of soil contamination an intrusive site investigation and assessment into the possibility of soil, water and gaseous contamination must be carried out to the approval of the Local Planning Authority. The investigation report shall include a risk assessment and details of remediation if required.

Remedial works which are shown to be required must be approved by the Local Planning Authority before any such works are carried out and completed prior to the occupation of any building. A validation report detailing evidence of all remedial work carried out must be submitted to and approved in writing by the Local Planning Authority at the conclusion of the work and before any occupation of the properties.

The developer shall notify the Local Planning Authority of any on site contamination not initially identified by the site investigation so that an officer of the Council may attend the site and agree any appropriate remedial action.

Reason: To ensure the safe development of potentially contaminated land in accordance with Policy EP3 of the Croydon Replacement Unitary Development Plan (the Croydon Plan)

10. The development shall be begun no later than two years from the final approval of the reserved matters referred to in Condition 1 or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the provisions of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

In granting permission the local planning authority had regard to the following policies:-

- . The relevant policies of the Croydon Replacement Unitary Development Plan (the Croydon Plan) are SP3, UD1, UD2, UD3, UD6, UD7, UD8, UD13, UD15, SP4, RO12, EP1, EP16, T2, T3, T4, T8, T11, SP18 and H2.

The development is considered to be satisfactory in relation to the following:-

- .
  - a) the appearance of the development in the street scene
  - (b) the relationship of the development to adjacent property
  - (c) the character of the development in the surrounding area
  - (d) the impact on the amenities of the occupiers of adjacent and nearby properties
  - (e) the light and outlook of occupiers of adjacent and nearby properties

- (f) the privacy of occupiers of adjacent and nearby properties
  - (g) the relationship of the development to trees to be retained
  - (h) the safety of pedestrians and motorists on the adjacent highway
  - (i) the safety and security of buildings and the spaces around them
  - (j) accessibility to buildings
  - (k) the housing policies of the development plan
  - (l) sustainability issues
  - (m) the recreational open space policies of the development plan
- and having regard to all other matters raised.

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**Ward: Shirley**  
**Lead Officer: Head of Planning Control**

**PLANNING COMMITTEE**  
**29<sup>th</sup> March 2007**

**07/00303/P – 114 Orchard Way, Shirley**

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**1. SUMMARY**

1.1 This report concerns an application for outline planning permission for the demolition of existing building; erection of a two storey building comprising 8 two bedroom flats and provision of associated parking

**2. RECOMMENDATION**

2.1 That outline planning permission is granted for the conditions and reasons set out in the Agenda.

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**3. BACKGROUND**

3.1 Site Description

- The application site is located on the corner of Orchard Way and Radnor Walk and is occupied by a detached bungalow.
- No. 114 has a flat roofed detached garage on the northern edge of the plot, with an access onto Orchard Way. There is low hedging along the frontage as well as several trees and shrubs on the site, although none are specimen trees and none are protected by Tree Preservation Orders.
- The site measures 0.1 hectares (0.25 acres).

3.2 Surrounding Area

- Immediately to the north there is a public house within a two storey flat roofed building adjoining a 3 storey terrace with shops on the ground floor. Apart from this parade, the surrounding area is wholly residential in character.

- The neighbouring property to the south is a detached bungalow and has a similar appearance to the building to be demolished.
- Adjoining properties on Radnor Walk are two storey flat roofed 1960s houses comprising mainly brick and white cladding. There are a number of properties in the area, further to the north that have a similar appearance and are collectively known as the Lawdon Estate.
- There is a variety of house types and styles within the area and on the eastern side of the road there is no consistent building line.

### 3.3 Designations

- Orchard Way has been designated as a Local Distributor Road.

### 3.4 Planning History

- 06/0904/P - Outline planning permission was refused at Planning Committee on 28/07/06 for 'Demolition of existing building; erection of two/three storey building comprising 6 two bedroom and 7 one bedroom flats; alterations to vehicular access and provision of associated parking'. The reasons for refusal were:

1. The development would result in an overdevelopment of the site and would be out of character with the area and detrimental to the visual amenities of the street due to its size and forward siting and would thereby conflict with Policies SP3, UD1, UD2 and H2 of the Replacement Croydon Unitary Development Plan (the Croydon Plan)

2. The development would result in undue noise and disturbance to adjoining occupiers and would thereby conflict with Policy SP3 and UD13 of the Replacement Unitary Development Plan (the Croydon Plan)

- This application is subject to an appeal due to be heard at a hearing on April 26<sup>th</sup> 2007.

- 06/03881/P-Outline planning permission was refused at Planning Committee on 14<sup>th</sup> December 2006 for the 'Demolition of existing building; erection of two/three storey building comprising 7 two bedroom and 5 one bedroom flats; alterations to vehicular access and provision of associated parking' The reasons for refusal were:

1. The development would result in an overdevelopment of the site and would be out of character with the area and detrimental to the visual amenities of the street due to its size and forward siting and would thereby conflict with Policies SP3, UD1, UD2 and H2 of the Croydon Replacement Unitary Development Plan (the Croydon Plan).

2. The development would result in undue noise and disturbance to adjoining occupiers and would thereby conflict with Policy SP3 and

UD13 of the Croydon Replacement Unitary Development Plan (the Croydon Plan)

3. The development would be detrimental to the amenities of the occupiers of adjoining property by reason of its size and siting resulting in loss of light, visual intrusion and potential for overlooking and would thereby conflict with Policies UD2, UD8 and H2 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)
4. The development would result in sub-standard accommodation by reason of inadequate outlook for some flats and would thereby conflict with Policy UD2 and H2 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)
5. The development would result in an unsatisfactory residential environment being provided for the occupiers of the proposed dwellings by reason of the inadequate private amenity space and would thereby conflict with Policy UD8 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)

- This application is also subject to an appeal.

### 3.5 Proposal

*Outline permission is sought for:*

- Demolition of existing building; erection of two storey building comprising 8 two bedroom flats and provision of associated parking
- The matters to be determined with this application are access, layout and scale.
- The two storey building would measure approximately 28m in width and 12.5m in depth. The footprint of the ground and first floor would be similar but the development would be staggered in line with the building line adjacent to 106 Orchard Way.
- There would be 4 flats located on the ground and 4 on the first floor. The building would be sited between 8m and 14m from the footway on Orchard Way, and between 1m and 2m from the footpath on Radnor Walk. It would be 21m from No. 2 Radnor Walk, the nearest property backing onto the site.
- The access to a rear car parking area for 3 spaces would be from Radnor Walk, and an access to a front car parking area for 5 spaces would be from Orchard Way.
- Bin stores and Cycle storage are shown to the rear of the building adjacent to the parking area.
- The application has been amended during the consideration of the application to remove a third floor (which included an additional flat); the building line has been staggered further; the number of parking spaces has been reduced by one and rearranged; and the bin stores relocated to the rear of the site.

#### **4. PLANNING POLICIES**

- 4.1 The policies of the Croydon Replacement Unitary Development Plan, which are of relevance to this application are SP3, UD1, UD2, UD3, UD6, UD7, UD8, UD13, UD15, SP4, RO12, EP1, EP16, T2, T3, T4, T8, T11, SP18, and H2.

#### **5. CONSULTATIONS**

- 5.1 The occupiers of 43 adjoining and nearby properties have been notified of the application. The occupiers have also been advised of the revisions to the scheme. Twenty-seven letters of objection have been received from adjoining occupiers to the original proposal. The following issues have been raised: -

- New proposal has not fully addressed previous reasons for refusal on two applications
- The proposals are similar in size and scale
- Overdevelopment of the site
- Detrimental to visual amenities of the streetscene
- Increased noise and disturbance
- Out of character with the density and scale of the area
- The building would not meet the established building line in Orchard Way
- Building would overlook the rear of adjoining properties
- Proposal would not meet Council's parking requirements
- Inadequate amenity space
- Sustainability information should be submitted with an outline application
- Potential loss of light for adjoining properties
- Loss of trees on the site
- Increased congestion in local area and demand on local services
- The vehicular access will endanger pedestrians

- 5.2 A letter of objection has been received from Monk Orchard Residents Association. The objections raised are as follows:

- There is no significant difference from the footprint of the previous refused applications
- The design and access statement is incorrect and misleading with regard to the description of positioning of the proposed development to its surrounding; it is set forward of the adjoining terrace and is greater than the 8m stated.
- The amenity area is extremely small
- It does not respect the heights of the surrounding area and would result in an overdevelopment of the site contrary to UDP policies

- 5.3 A further 7 letters of objection have been received after reconsultation on the revised plans. These object to the application on the following grounds:

- The building still overlooks adjoining properties and is out of keeping with the character of the area
- The building line bears no relationship with other properties
- The access/egress will be too busy close to the junction
- The view towards a brick wall is unacceptable

## 6. CONSIDERATIONS

6.1 The principal considerations are:

- a) The acceptability of a residential development;
- b) The effect of the siting and scale of the proposal on the locality and whether it will be detrimental to the appearance of the streetscene;
- c) The effect of the proposal on the residential amenities of the nearby occupiers;
- d) The impact on parking and highways conditions;
- e) The living conditions for future occupiers;

6.2 Policy H2 of the Croydon Replacement Unitary Development Plan (the Croydon Plan) states 'the Council will permit housing development within the existing built up area provided this does not conflict with its aim of respecting the character of residential areas and there is no loss of other protected uses'. The principle of a residential building is therefore acceptable.

6.3 The siting of the proposed building would be forward of the existing bungalow on the site. It has been revised during the consideration of the application and would now have a staggered building line. This would result in part of the development (approximately half the width of the building and adjacent to the boundary with 106 Orchard Way) being setback a further 1m along the Orchard Way frontage from the remainder of the building. Although there is no consistent building line on this side of Orchard Way it is considered that this staggering of the building would represent a satisfactory compromise with regard to the concerns raised about the siting of the building in relation to the Orchard Way highway.

6.4 In fact, the siting of the proposed building on the site would be at almost an identical angle from the perpendicular of Orchard Way to the building between 116 – 126 Orchard Way (i.e. the northern most element is a minimum of 8m from Orchard Way, whilst the southern most element is a minimum of 13m from Orchard Way).

6.5 The number of flats has also been reduced from the previously refused scheme (06/03881/P) from 12 flats to 8 flats and the overall massing reduced

from 3 storeys to 2 storeys. These changes have attempted to address the previous reason for refusal relating to the size of the building. The proposed building would have an overall height of 2 storeys and would be approximately 21m to the rear of the adjoining residential properties in Radnor Walk. The reduction in height is considered to overcome the deficiencies of the previous scheme with regard to massing and visual intrusion for the occupiers of the properties in Radnor Walk and in the streetscene along Orchard Way. There would be a separation of approximately 8m between the proposed building and the habitable living accommodation at 106 Orchard Way due to there being a garage in between. Given this separation, it is not considered that there would be any undue loss of light, privacy or any visual intrusion as a result of the development.

- 6.6 The previous applications were also refused on grounds relating to noise and disturbance caused by the amount of parking located at the rear close to the boundary shared with adjoining properties. The parking to the rear has now been reduced to 3 spaces. It is considered that this would overcome concerns regarding noise and disturbance. A further 5 parking spaces would be provided to the front of the site. The level of parking provision proposed is one space per unit, which in this location is acceptable. There are no highway objections to the proposed development. The bin storage has also been relocated to the rear of the development during the consideration of the application. This is acceptable.
- 6.7 The proposed flats are of an acceptable size for a new building, and the stacking arrangements would also be satisfactory. Adequate outlook is provided to all of the flats. Due to the reduction in the number of flats to 8; it is considered that a satisfactory level of amenity space can now be provided within the confines of the site. This would overcome a previous refusal reason.

## **7. ENVIRONMENTAL CONSIDERATIONS**

- 7.1 The development would be built on land occupied by a single bungalow and its garden and would therefore encourage the fuller re-use of a brownfield site.

## **8. EQUALITIES CONSIDERATIONS**

- 8.1 One parking space has been designed for use by a disabled person. The flats on the ground floor would all be accessible for wheelchair users. Provision of level access would be dealt with at reserved matters stage.

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Background Documents: Thirty –Four letters of objection from local residents  
A letter of objection from Monk Orchard Residents  
Association

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