

Agenda Item: **6.1**

This is a Major Application for which the 13 week period expires on 07/06/2006.

06/00904/P

08/03/2006

Shirley

Application for outline planning permission

Agent:

Tomei and Mackley Architects

Ivy Mill House

Ivy Mill Lane

Godstone

RH9 8NR

Applicant:

S E Living Ltd

54-56 Mottingham Road

London

SE9 4QR

Location: 114 Orchard Way, Croydon, CR0 7NN

Description: 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

Drawing No(s): SO5/1498/01, 2720-09A &10A

Recommendation: Grant Permission, subject to the prior written conclusion of a Section 106 Agreement within a period of six months from the date of this resolution, or such longer period as may be agreed in writing by the Head of Planning Control

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) siting of the building(s)
- (2) design of the building(s)
- (3) external appearance of the building(s)
- (4) means of access
- (5) 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 access and egress
- (6) garden and communal areas
- (7) security lighting including to parking areas

Section B

- (8) roads, footpaths and access routes within the site including levels and

gradients

(9) refuse collection facilities

(10) any boundary walls and fences or other means of enclosing the site

(11) finished floor levels of the building(s) 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. No structures, vehicles, plant, machinery, equipment, materials or spoil shall be positioned or stored within 5 metres of the trunk of any tree to be retained and no cement, oil or tar, bitumen or other similar material shall be stored within 10 metres thereof without the prior written approval of the Local Planning Authority
Reason: To ensure that the trees to be retained are not damaged by the construction and associated works in accordance with Policy UD14 of the Croydon Replacement Unitary Development Plan (the Croydon Plan)
10. No service trench or pipeline shall be located within 5 metres of the trunk of any tree to be retained without the prior written approval of the Local Planning Authority
Reason: To ensure that the trees to be retained are not damaged by the construction and associated works in accordance with Policy UD14 of the Croydon Replacement Unitary Development Plan (the Croydon Plan)
11. 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)

12. No development shall take place until the applicant has provided to the Local Planning Authority for approval an independently verified EcoHomes report that achieves 'Excellent' rating with certification. The approved scheme shall then be provided in accordance with these details. A certificated EcoHomes Post Construction Review shall be provided, verifying that the agreed standards have been met, prior to the first occupation of the development.
Reason: To accord with Policies UD1 of the Croydon Replacement Unitary Development Plan (the Croydon Plan)

13. No development shall take place until the applicant has provided to the Local

Planning Authority a report for approval identifying how a minimum of 10% of the carbon emissions for which the development is responsible are off-set by on-site renewable energy production methods. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. The approved scheme shall then be provided in accordance with these details prior to the first occupation of the development and thereafter retained for so long as the development remains in existence. Reason: To comply with Policy EP16 of the Croydon Replacement Unitary Development Plan (the Croydon Plan)

14. The development shall be begun before the later of the following dates:-

- (i) five years from the date of the permission or
- (ii) 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

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

- 1. The relevant policies of the Croydon Replacement Unitary Development Plan (the Croydon Plan) are, SP1-SP3, UD1, UD2, UD3, UD6, UD7, UD8, UD12, UD13, UD14, SP8, NC4, SP14, T8, T11, SP18, H2, H9.

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.

Ward: Shirley
Lead Officer: Head of Planning Control

PLANNING COMMITTEE
July 27th 2006

APPLICATION NUMBER 06/0904/P – 114 ORCHARD WAY, CROYDON

1. SUMMARY

- 1.1 At its meeting on May 25th 2006 the Planning Committee deferred consideration of this item in order that Committee Members could visit the site. The visit took place

on July 15th.

- 1.2 The report has been updated to include the contents of the Addendum, the planning history for 106 Orchard Way, the adjoining property and also the new policies of the adopted Croydon Replacement Unitary Development Plan (the Croydon Plan).
- 1.3 The application seeks outline planning permission for the erection of a two/ three storey building comprising 6 two bedroom and 7 one bedroom flats. The application seeks the approval of the means of access to the site together with the siting of the building with all other matters reserved.

2. RECOMMENDATION

- 2.1 Grant outline planning permission subject to the conditions and reasons set out in the Agenda and subject to the prior completion of a S106 Agreement for financial contributions of £9100 for the provision of Sustainable Transport and £7622 towards the provision/enhancement of Local Open Space.
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3. BACKGROUND

a) Site Description

- 3.1 The site has an area of just over 0.1ha and is situated on the corner of Orchard Way and Radnor Walk. Number 114 and the adjoining property to the south, number 106, are detached bungalows. Number 114 has a detached flat roofed garage on the northern edge of its plot with an access onto Orchard Way. There is low hedging along the frontage. There are several trees and shrubs on the site, although none are specimen trees and none are protected by Tree Preservation Orders.
- 3.2 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.
- 3.3 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. Nevertheless, 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.

b) Planning History

- 3.4 There is no relevant planning history for the site.
- 3.5 99/1162/P On July 22nd 1999 planning permission was granted for the construction of a roof extension to provide first floor level and erection of single storey front extension. This permission has not been implemented and has now lapsed.

c) Proposal

- 3.6 The application seeks outline planning permission for the erection of a two/ three storey building comprising 6 two bedroom and 7 one bedroom flats. The application seeks the approval of the means of access to the site together with the siting of the building with all other matters reserved.
- 3.7 The building would have a width of 28m and would be sited between 5m and 11m from Orchard Way and would be set between 1m and 2m back from the footpath on Radnor Walk. It would be 23.5m from number 2 Radnor Walk, the nearest property backing onto the site. The access to a rear car parking area for 13 spaces would be from Radnor Walk.

4. PLANNING POLICIES

- 4.1 The relevant policies of the Croydon Replacement Unitary Development Plan (the Croydon Plan) are, SP1-SP3, UD1, UD2, UD3, UD6, UD7, UD8, UD12, UD13, UD14, SP8, NC4, SP14, T8, T11, SP18, H2, H9.

5. CONSULTATIONS

- 5.1 The application has been advertised in the Press as a Major application. In addition, twenty adjoining and nearby occupiers have been notified of the application. 21 letters/e-mails from 20 local residents have been received objecting to the application on the following grounds:

- (1) Loss of bungalow;
- (2) out of keeping;
- (3) over development;
- (4) does not respect building line;
- (5) design and height inappropriate;
- (6) additional traffic;
- (7) access would create additional hazard to road users and pedestrians;
- (8) lack of open space for children in flats to play;
- (9) loss of light;
- (10) loss of privacy;
- (11) loss of outlook;
- (12) dirt, dust and disruption during building;
- (13) precedent for further development in the area;
- (14) insufficient parking;
- (15) pressure on local services including water and health;
- (16) loss of trees;
- (17) adverse effect upon property prices
- (18) pollution caused by the additional cars and the parking area.

- 5.2 The Monks Orchard Residents Association has objected to the application on the following grounds:

- (1) the development is out of character with adjacent and surrounding properties;
- (2) proposed development of 3 storeys out of keeping with surrounding bungalows and 2 storey buildings;
- (3) the building would tower over and overlook surrounding properties;

- (4) the development would not comply with policies BE1, BE3, BE4, BE5, BE7, BE16, BE17, H2, H3, H11, H13a and the parking standards of the UDP and policies UD2, H8, H10 of the draft Croydon Plan;
- (5) the development would not respect the building line of adjacent properties due to it being substantially further forward than these adjacent properties;
- (6) there would be a separation of 18.2m between the development and the upper windows serving residential accommodation above the Orchard Public House. This is less than the 30m minimum for a 3 storey development;
- (7) loss of light to the south facing side of the Orchard Public House;
- (8) no external amenity areas would be provided and balconies would be overlooked from Orchard Way;
- (9) higher densities are only appropriate in areas close to public transport. This site is not in close proximity to public transport. The 367 bus route is long and tortuous;
- (10) the 13 space provision is inadequate and for a scheme of this size should be 18 spaces;
- (11) any overspill onto surrounding roads would conflict with the spaces currently available for existing residents and pub patrons;
- (12) no design or environmental statement has been provided which is essential;
- (13) the development does not meet the criteria for Lifetime Homes;
- (14) no provision made for increased burden on local infrastructure including water, sewage, surface water drainage, electricity and gas supplies;
- (15) local schools are already oversubscribed as are GP surgeries. Post Office services are in decline and there are no places available for school age/teenage children. Local planners should address these issues before allowing any further development

5.3 Councillor Janet Marshall has referred the application on the following grounds:

- (1) Cramped and overcrowded layout out of character with existing residential development in this part of Orchard Way;
- (2) The variation in the established building line particularly at the junction of Orchard Way and Radnor Walk, would have a detrimental effect on the unity of the street scene and the character of the area;
- (3) The siting of the vehicular access is likely to result in conflict with vehicles using the parking spaces on the northern side of Radnor Walk to the detriment of the safety of pedestrians and vehicular traffic close to the junction of Orchard Way and Radnor Walk;
- (4) Development detrimental to the occupiers of adjoining residential properties by reason of size, siting and height resulting in loss of privacy and visual intrusion.

5.4 The Metropolitan Police Crime Prevention Officer has provided advice on issues to consider at the detailed design stage of the development.

5.5 The Director of Environmental, Cultural and Sports Services has requested that a condition be attached requiring an investigation into the possibility of soil contamination.

6. CONSIDERATIONS

6.1 The principal considerations are:

- (1) density;
- (2) the effect of the development upon:
 - (a) the character of the area and the appearance of the street scene;
 - (b) the amenities of adjoining and nearby occupiers;
 - (c) trees
- (3) the living conditions for the future residents;
- (4) the access and parking arrangements;
- (5) The provision of recreational open space.

Density

6.2 Policy H9 of the Croydon Plan requires that on sites of 0.25 ha or above density is a consideration. The site would have a gross area of less than this and this policy would not, therefore, strictly apply. Nevertheless, the density would be 273 habitable rooms per hectare (hrh). This would be within the range of 160hrh and 300hrh set out in the Croydon Plan.

6.3 Having regard to the policies of the Croydon Plan, the principle of flatted development on this site is acceptable. In terms of making the most effective use of urban land, if the adjoining site at 106 Orchard Way were available for development at the same time, it would enable a more comprehensive development to be achieved. However, the applicant has advised that this land is not available. Therefore, the current proposal must be assessed on its merits.

Character and Street Scene

6.4 Whilst the building line for the flatted scheme would be forward of the existing bungalow on the site, it is notable that there is no consistent building line on this side of Orchard Way. Given this, it is not considered that this forward siting would be detrimental to the character and appearance of the area subject to a suitable massing and design being achieved.

6.5 Indicative elevations provided by the applicant show a flat roofed two/three storey building that would not be unduly large or intrusive within the street scene and would not be significantly higher or bulkier than the adjoining two/three storey parade of buildings to the north. These elevations do not form part of the current application but indicate that a suitable design and appearance could be achieved.

Amenities of adjoining and nearby occupiers

6.6 There would be a separation of 23.5m between the new building and the rear of 2 Unwin Court along Radnor Walk which is the nearest property backing on to the site. It is considered that this is sufficient to ensure that there would be no undue visual intrusion. The indicative layout plans also demonstrate that sufficient separation between windows would be achieved to avoid undue loss of privacy.

- 6.7 Given that the building would be to the west of properties within Unwin Court, there may be some overshadowing caused by the new building but not sufficient to result in significant loss of light to warrant a refusal.
- 6.8 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, even taking into account its increased height compared with the existing bungalow.

Trees

- 6.9 There are a number of prominent trees around the site including two Poplar trees but none are located within the site or sufficiently close to be adversely affected by the development. The planting within the site has limited amenity value. A condition requiring a full landscaping scheme to be approved would be appropriate.

Living conditions of future residents

- 6.10 The size and layout of the flats would be acceptable. The amenity space to the front and rear is considered to be adequate. In addition, indicative drawings show that the flats would have small balcony areas. The development would also be reasonably close to Monks Orchard Recreation Ground and the applicant has confirmed that they would contribute £7,622 toward the off-site provision/enhancement of open space.

Access and parking arrangements

- 6.11 The proposed access arrangements would be suitable. The area has a PTAL rating of 1a and is, therefore, poorly accessible to public transport links. As such it is considered that the maximum parking level of one space per unit as set out within the draft Croydon Plan would be appropriate. The applicant has agreed to make a contribution of £9,100 toward sustainable transport provision/improvements.

7. ENVIRONMENTAL CONSIDERATIONS

- 7.1 The applicant has indicated a willingness to a condition requiring further details of methods of sustainable construction, the use of renewable energy and to provide an eco-homes assessment at the reserved matters stage.
- 7.2 The development would result in the provision of additional housing within the existing built up area.

8. EQUALITIES CONSIDERATIONS

- 8.1 Matters surrounding access to the dwellings and their internal layout to lifetime homes standards would be addressed at the reserved matters stage.

Report Author: Clare Malcomson

Background Documents: 21 letters from 20 local residents
Letter from the Monks Orchard Residents Association
Referral from Cllr Janet Marshall
Letter from Metropolitan Police Crime Prevention Officer

Contact Officer: Philip Mills Tel 020 8760 5419