

Agenda Item: 6.4

06/05070/P

08/12/2006

Shirley

Application for outline planning permission

Applicant:

Ron Warren

Westport Design Limited

22-23 Foster Street

Maidstone

Kent

ME15 6NH

Location: 79 Orchard Avenue, Croydon, CR0 7NF

Description: Demolition of existing building; erection of 1 detached and a pair of semi detached houses; formation of vehicular access onto High Trees, widening of vehicular access onto Orchard Avenue and provision of associated parking

Drawing No(s): WDL/151/01C, WDL/151/10 and red edged site plan.

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) appearance
 - (2) landscaping
 - (3) scale (within the upper and lower limit for the height, width and length of each building stated in the submitted Design Statement).

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

2. Prior to the commencement of the development the approval of the Local Planning Authority shall be obtained with respect to the following matters:-

Section A

- (1) parking arrangements
- (2) vehicular turning area
- (3) visibility splays
- (4) vehicular accesses and driveways

Section B

- (5) refuse collection facilities
- (6) any boundary walls and fences or other means of enclosing the site
- (7) finished floor levels of the building(s) in relation to existing and proposed site levels
- (8) any screen walls and fences

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 having regard to the policies of the Croydon Replacement Unitary Development Plan (The Croydon Plan)

6. 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)

7. No cement, diesel, oil or tar, bitumen or other similar material shall be stored within 10 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)

8. A scheme of protective fencing to be erected around each tree or group of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the commencement of any demolition, site clearance or development works. The fencing shall be erected

around each tree or group of trees at a distance to be specified in the scheme and in accordance with British Standard 5837:2005. The fencing shall be not less than 1.2 metres in height and shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either cleft chestnut pale fencing (in accordance with British Standard 1722: Part 4) or chain link fencing (in accordance with British Standard 1722: Part 1). The fencing shall be kept in position at all times unless otherwise agreed in writing with the Local Planning Authority until the completion of the development

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)

9. Notwithstanding anything contained in Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, or any amendment or replacement therefore, no enlargement of any dwelling (including the erection or enlargement of a garage or any other building or enclosure within the curtilage of any dwelling) shall be carried out without the express permission of the Local Planning Authority
- Reason: To protect the amenities of adjoining occupiers and the visual character of the area
10. 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)

11. 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 SP1, SP2, SP3, SP9, SP14, SP17, SP18, SP20, UD2, UD3, UD6, UD8, UD13, UD14, UD15, EP1, T11, H2 and H14.

Planning Policy Statement 3: Housing

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

and having regard to all other matters raised.

Ward: Shirley
Lead Officer: Head of Planning Control

PLANNING COMMITTEE
15 February 2007

06/5070/P - 79 Orchard Avenue, Croydon.

1. SUMMARY

1.1 Outline application for :

- Demolition of existing building;
- Erection of 1 detached and a pair of semi detached houses with accommodation in roof space
- Formation of vehicular access onto High Trees; widening of vehicular access onto Orchard Avenue and provision of associated parking

2. RECOMMENDATION

- Grant: subject to the conditions and reasons set out in the Agenda.
-

3. BACKGROUND

3.1 Site Description

- located on the western side of Orchard Avenue at the junction with High Trees, Shirley.
- irregular shaped level plot fronting the west side of Orchard Avenue.
- Overall site area is 0.107ha.
- The site contains a two-storey dwellinghouse, with reasonable garden areas to the front and rear.
- Access to the site is from Orchard Avenue.

3.2 Surrounding Area

- residential and is characterised by a mix of detached and semi-detached one and two-storey dwellinghouses.
- two houses adjoining the north of the site have been recently demolished leaving a large vacant area of land, construction works for five new dwellings is currently in operation.
- a chalet bungalow adjoins to the west and forms part of the High Trees development.
- a small amenity area at the junction of Orchard Avenue with Orchard Way lies immediately opposite the site together with a landscaped road island.
- this part of Orchard Avenue is not subject to any waiting restrictions. High Trees is an unclassified road also without waiting restrictions.

3.3 Designations

- Orchard Avenue is identified on the Unitary Development Plan (UDP) Proposals Map as a Local Distributor Road.
- the front and south of the site is well screened by trees and vegetation, a mature Beech tree to the front of the site is subject to a Tree Preservation Order (No.7, 2002.)

3.4 RELEVANT PLANNING HISTORY

02/1200/P – Outline planning application Refused for: 4 semi-detached town houses and 1 bungalow on the site of No 79 Orchard Avenue following demolition of No 79.

02/1201/P – Outline planning application Refused for: 2 detached houses and 1 bungalow on the site of No 79 Orchard Avenue following demolition of No 79, formation of access onto High Trees.

03/0990/P – Appeal dismissed for: 9 detached houses and 1 detached chalet bungalow on the site of 79 – 85 Orchard Avenue, following demolition of 79 – 85 Orchard Avenue.

04/01433/P - Outline planning application Approved for: 2 detached two-storey houses and 6 semi-detached two-storey houses with accommodation in roofspace and 2 detached bungalows all with attached or integral or detached garages; formation of vehicular accesses onto Orchard Avenue and High Trees and provision of associated parking; erection of attached garage to existing house at 2 High Trees, following demolition of 79 – 85 Orchard Avenue.

05/4582/P - Demolition of 81 and 83 Orchard Avenue; Erection of 4 two storey four bedroom houses with accommodation in roofspace and 1 detached two bedroom

bungalow; formation of vehicular accesses and provision of associated parking. Approved by the Development Control Committee on 9 February 2006.

05/5496/P - Outline planning application Refused on 14/02/06 for; Demolition of existing buildings; erection of 1 detached two storey four bedroom house with accommodation in roofspace and 4 two storey four bedroom semi-detached houses with accommodation in roofspace; formation of vehicular access onto High Trees and provision of associated parking, following demolition of 79 Orchard Avenue.

06/1880/P – Outline planning application Refused on 03/07/06 for; Demolition of existing building; erection of 1 detached three bedroom house, 1 detached five bedroom house and a pair of two storey four bedroom semi detached houses with accommodation in roofspace ; formation of vehicular access onto High Trees and provision of associated parking, following demolition of 79, Orchard Avenue.

The application was refused for the following reasons:-

1) The development would be out of keeping with the character of the locality and detrimental to the visual amenity of the street scene by reason of its form and prominent siting and would thereby conflict with Policies SP1, BE1, BE3, SP31 and H2 of the Unitary Development Plan and Policies UD2 and H2 of the Adoption Draft Replacement Unitary Development Plan For Croydon (the Croydon Plan)

2) The proposal would result in an overdevelopment of the site out of keeping with the character of the area and detrimental to the appearance of the street scene by reason of the size of the buildings and the extent of hard surfacing and would thereby conflict with Policies SP1, BE1, BE3, H2 and H3 of the Unitary Development Plan and Policies UD2, H2 and H5 of the Adoption Draft Replacement Unitary Development Plan For Croydon (the Croydon Plan)

3) The development would not provide either a satisfactory access onto High Trees or the required visibility splays and would be prejudicial to highway safety contrary to Policies BE10 and T46 of the Unitary Development Plan and Policies UD12 and T11 the Adoption Draft Replacement Unitary Development Plan For Croydon (the Croydon Plan)

3.5 PROPOSAL

Outline permission is sought for:

- means of access into the site
- siting of the development.
- the matters of external appearance, landscaping and design are reserved for future approval.

The proposal includes;

- demolish No.79 Orchard Avenue and erect one detached dwelling and a pair of semi detached houses along with the formation of vehicular access onto High Trees and provision of associated parking.
- indicative drawings show that the dwellings would have accommodation over three floors.
- dwellings would front Orchard Avenue, due to the angle of this road the detached house and semi detached dwellings would be set back from the road by some 10m and 13m respectively.

- Height of buildings would be between 9m and 9.5m (indicated in design and access statement).
- semi detached houses would have vehicular access from Orchard Avenue (widening the existing access), whereas the detached house would have pedestrian access from Orchard Avenue and vehicular access from High Trees.
- All the houses would have garages and rear projections.
- The major differences between this scheme and the previous refused scheme 06/01880/P is the reduction in the number of units from 4 down to 3, with a dwelling removed from the west side of the site. There has also been a significant reduction in hard standing and the footprints of the dwellings fronting Orchard Avenue have changed.

4. PLANNING POLICIES

- 4.1 The relevant policies of the Croydon Replacement Unitary Development Plan (the Croydon Plan) are SP1, SP2, SP3, SP9, SP14, SP17, SP18, SP20, UD2, UD3, UD6, UD8, UD13, UD14, UD15, EP1, T11, H2 and H14.
- 4.2 PPS3 requires full and efficient use of urban land, through the redevelopment of previously developed land to achieve densities of 30-50 dwellings per hectare. This should be achieved, whilst respecting the local character of the area, through the good design and layout of new development, improving the quality and attractiveness of residential areas.

5. CONSULTATIONS

- 5.1 48 adjacent occupiers notified. 16 letters of objection received.
Main grounds of objection/concern;
- Over development of site
 - Hazardous access
 - Felling of mature trees
 - Overflow of parking
 - Loss of privacy
 - Out of character
 - Detrimental to visual amenity of street scene
 - Dangerous for emergency vehicles and pedestrians from extra traffic use
 - Cramped and overcrowded
 - Negative impact on tranquil environment
 - Overshadowing
 - Style of design not in keeping with locality
 - Noise pollution
 - Existing infrastructure not adequate
- 5.2 A letter has also been received from the Monks Orchard Residents Association objecting as follows;
- cramped and overcrowded layout
 - 3 storey houses out of character with area
 - Spacing around buildings does not respect the street scene
 - Parking concerns
 - Possible overlooking at first floor level
 - Restrict emergency and refuse collection vehicles

- Hazardous access
- Result in the loss of trees
- Increase on local infrastructure

- 5.3 A referral has been received from Cllr Chatterjee on the following grounds;
- Vehicles leaving the front of the proposed three properties constitutes an increased hazard to vehicles travelling northwards along Orchard Avenue
 - The building design is markedly different from nearby properties, particularly in respect of scale and proportion.
 - The building appearance would be very busy and cramped, looking more vertical than horizontal, will comparatively little wall space, accentuated by the pitch of the roof and use of the loft space
 - Loft space use overlooks neighbouring properties unacceptably, with consequent loss of amenity
 - Depth of gardens is out of keeping with the character of the area and inconsistent with family use
- 5.4 An e-mail was received from Andrew Pelling MP commenting as follows;
- I would be grateful if the committee would take cognisance of the intensity of development and the impact on the street scene.

6. CONSIDERATIONS

Principle of the development

- 6.1 This proposal follows from Application Ref: 04/1433/P which was approved on 1 July 2004, and subsequent refusals 05/5496/P and 06/1880/P. The approved scheme comprises the demolition of Nos. 79, 81, 83, 85 Orchard Avenue and the erection of 2 detached houses, 6 semi-detached houses with accommodation in the roofspace and 2 detached chalet bungalows (total 10 dwellinghouses) within a site of 0.34 hectares. Three houses would be accessed from Orchard Avenue and 7 houses from High Trees. It should be noted that 1 detached house, 2 semi detached houses and part of a bungalow (approximately half) were approved under application 04/1433/P in the area that now forms the site for this application. This consent establishes the principle of residential redevelopment in this location, incorporating one and two storey detached housing and 3 storey semi-detached housing at a density of 29 dwellings per hectare (dha) with access from Orchard Avenue and High Trees.
- 6.2 It is noted that following this consent a scheme for 4 two storey houses with accommodation in the roofspace and one detached bungalow was approved in 2006 under reference 05/4582/P. However, this only involved the demolition of houses 81 and 83 Orchard Avenue and did not include the application site in the proposal. Currently the dwellings have been demolished and further works are underway.
- 6.3 The current scheme proposes redevelopment of a smaller site of 0.107ha within the curtilage of that approved Ref: 04/1433/P and comprises 1 detached and 2 semi-detached houses at a density of 28dph. Although slightly below the national indicative minimum of 30 dph (advocated in PPS3) it is considered that the principle of redevelopment to the density proposed is acceptable, particularly considering the previous approvals.

Character issues

- 6.4 Policy H2 of the Croydon Plan states that 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. Currently there are no buildings immediately to the north, however, the alignment of the proposed houses fronting Orchard Avenue would respect the building lines (10-13m footprint setback), frontage widths (5.4m and 6m) and depth of the proposed dwellings that have been recently approved to the north of the site, where construction is currently underway. The separation between the houses is also considered sufficient and would reflect that prevailing in the locality. It is noted that a previous reason for refusal was based on the form and prominent siting of the dwellings, however, with the houses now pulled back in alignment the form and siting is considered acceptable.
- 6.5 This application is for outline permission for siting and means of access only and therefore it is not possible to comment definitely as to whether the proposal would be acceptable in street scene terms. However, indicative elevation drawings have been received showing 2 storey houses with accommodation in the roof. Whilst the existing surrounding buildings are predominately bungalows or two storey in height, the scheme immediately to the north of the site approved similar designs, notably dwellings with accommodation within the roof space. Moreover, using the heights indicated in the design (between 9m-9.5m), the proposed dwellings would be some 0.5m-1m lower in overall height than the nearest proposed semi detached dwellings in the adjoining site. If permission was granted it would be ensured at the reserved matters stage that the external appearance and design of the proposed dwellings reasonably respected the character and appearance of the area.

Amenity of adjoining and nearby occupiers

- 6.6 All three properties are to be sited further towards Orchard Avenue than the existing dwelling. The separation distances between the proposed development and existing surrounding residential curtilages and properties is acceptable and does not give rise to overlooking, loss of light or outlook. Furthermore, it would not harm the amenities of any adjoining properties that have gained planning permission, but not as yet constructed.

Amenities of future occupiers

- 6.7 With the smallest back garden some 16m in length and 5.5m wide the dwellings are considered to provide a satisfactory amount of amenity space for the future occupiers.
- 6.8 One of the reasons for refusal on the previous application was the extent of hard surfacing on the site, however, with the removal of the bungalow and re-working of the drives, there is now limited hardstanding and this would not now warrant a reason for refusal.
- 6.9 With no buildings behind the proposed dwellings for some 25m and a good separation between the dwellings, there would be no harmful overlooking (subject to design), loss of light or loss of outlook.

Highways and Parking

- 6.10 The subject site is shown to be in an area with a PTAL accessibility rating of 1a, and is therefore considered poorly accessible to public transport links. The car parking

standards described in Appendix 2 of the replacement *Croydon Plan* require a maximum of 2 spaces to be provided per detached and semi detached dwelling, equating to a total of 6 spaces for the 3 dwellings. Sufficient parking is provided on-site. The proposed parking spaces conform to design guidance set out in Chapter 3.90 of *Design Bulletin 32: Residential Roads and Footpaths*, by having sufficient parking bay dimensions of 2.4m wide x 4.8m long. The proposed garages are also considered to be set-back the required 5.5m – 6m from the carriageway.

6.11 It has been demonstrated that pedestrian visibility splays measuring 1.5m x 1.5m can be achieved on either side of the proposed vehicular crossovers, these should be maintained behind the back of the footway with no obstruction above the height of 0.6m. It has also been demonstrated that there is sufficient crossover widths for both crossovers.

6.12 Whilst the turning space on-site is not ideal, it has been demonstrated that space exists on-site to provide turning areas for vehicles in order to allow vehicles to enter and exit the site in a forward gear. Due to High Trees being a short cul-de-sac and the close proximity of a junction to the south, the operating speed of cars will be relatively low. Therefore, the existing sight lines along High Trees from the access will be acceptable.

Impact on protected trees

6.13 The tree officer is of the opinion that there are a number of prominent trees on this site, although they are all precluded from inclusion in a new TPO by virtue of their poor form. It is even considered that the removal of the protected Beech (TPO 7, 2002) to the front of the plot may be acceptable in the future.

7. ENVIRONMENTAL CONSIDERATIONS

7.1 The proposed development would make satisfactory use of a 'brownfield' site in accordance with Government Guidance.

8. EQUALITIES CONSIDERATIONS

8.1 No disabled parking spaces have been proposed, however, no objections have been received from the transportation officer.

Case Officer: James White

Background Documents: 16 letters of objection from adjoining occupiers
Letter of objection from Monks Orchard Residents Association
Referral from Cllr Chatterjee
e-mail from Andrew Pelling MP

Contact Officer: Mr P Mills Tel: 020 8760 5419