



Appeal Decision

Site visit made on 15 March 2019

by David Storrie DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th May 2019

Appeal Ref: APP/L5240/W/19/3219916

39 Russell Green Close, Purley, CR8 2NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Sterling Rose against the decision of the Council of the London Borough of Croydon.
 - The application Ref 18/03701/FUL, dated 25 July 2018, was approved on the 29 October 2018 and planning permission was granted subject to conditions.
 - The development permitted is the demolition of existing dwelling and proposed erection of 2 storey building with lower ground floor and accommodation in roof to provide 9 flats (4 x 1 bed, 3 x 2 bed and 2 x 3 bed) with associated car parking and new crossover, amenity space, refuse and cycle stores.
 - The condition in dispute is No 9 which state that: Prior to the commencement of above ground works, details shall be obtained with respect to the following matters:
 1. Visibility splays
 2. EVCP (including active and passive provision)
 3. Security lightingThe development shall be carried out in accordance with the approved details prior to
 - occupation and thereafter retained as such.
 - The reason given for the condition is: To ensure that an acceptable standard of development is provided and to safeguard visual and residential amenity.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The appeal in dispute relates to the requirement for details to be submitted for approval by the Council, prior to commencement of above ground works, for visibility splays, EVCP (Electric vehicle charging point) provision, both active and passive and, security lighting. The Council considered that detail was lacking or insufficient for these matters but that they could adequately be covered by an appropriate condition. The appellant considers that sufficient detail was submitted with the application having regard to the proposed access and the requirements for security lighting are unnecessary given the limited scale of development proposed.

Main Issue

3. Whether the condition is necessary and reasonable having regard to the safety of pedestrians and the residential amenity of future occupiers.

Reasons

Visibility splays

4. The approved site plan, drawing number 24-P-4, showed the existing access is to be altered whilst approved drawing number 24-P-9 showed that the access was to be extended with new hedge, shrub and tree planting proposed. The details of this planting would be covered by condition no.6 of the planning permission. No indication of visibility splays was provided on these two plans.
5. Although the site sits at the head of a cul de sac, it is located close to a public footpath that provides pedestrian access to and from Coldharbour Lane. At the time of my site visit this was well used by school children who walked past or close to the proposed site access. Whilst the Council would have control over the height of trees, hedges and shrubs on the site frontage in dealing with the landscaping condition referred to above, I do not consider it unreasonable to require details to show that adequate visibility splays can be achieved at the site access in the interests of pedestrian safety.
6. Whilst the appellant suggests that any necessary site works could be picked up through discussions with the Council's Highway Team, I consider it necessary to have clarity on this matter by way of a formal process. The condition would provide such clarity.
7. This would be consistent with policy DM 29 of the Croydon Local Plan (LP) that, amongst other things, seeks to ensure that new development is not detrimental to pedestrian and highway safety.

Security lighting

8. The approved development shows the building set back from the site frontage with car parking in front of it along with an enclosure for refuse. The front of the building would be set back some 16 metres from the highway boundary and occupiers would walk to and from the building from the site frontage, car parking and refuse areas. As laid out there would appear to be some secluded areas that could provide hiding spaces for those intent on criminal activities. Because of this I do not consider it unreasonable to require security lighting to assist future occupiers walking to and from the entrance to the building at night time.
9. This would accord with LP policies DM10.2, 10.8 and 10.9 that seek to ensure that private spaces are safe, secure and well lit and avoid dark and secluded areas.

Electric vehicle charging

10. The appellant has submitted no evidence to challenge this requirement. LP policy SP8.13 requires new development to contribute to the provision of electric vehicle parking infrastructure. Minor developments are required to enable the future provision of electric charging points and parking bays for electric vehicles with 20% of spaces to have an actual charging point.
11. I consider this to be necessary and reasonable in respect of the approved development.

Conclusion

12. For the reasons given, I consider the condition to be necessary and reasonable.
The appeal is dismissed.

David Storrie

INSPECTOR