
Appeal Decision

Site visit made on 15 September 2020

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2020

Appeal Ref: APP/L5240/W/20/3253358

2A Atwood House, Addington Road, South Croydon CR2 8RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by McCarthy and Stone Retirement Lifestyles Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/04541/CONR, dated 23 September 2019, was refused by notice dated 6 December 2019.
 - The application sought planning permission for the demolition of existing buildings, erection of two/three storey building comprising 30 retirement living flats with ancillary communal facilities, formation of access road and provision of associated parking, without complying with a condition attached to planning permission Ref 16/04178/FUL, dated 16 November 2016.
 - The condition in dispute is No 12 which states that: The development hereby approved shall not be first occupied until space has been laid out within the site in accordance with the approved plans for vehicles to be parked. Thereafter the parking turning areas shall be retained and maintained for their designated purposes.
 - The reason given for the condition is: To ensure that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with policy UD13 of the Croydon Replacement Unitary Development Plan (The Croydon Plan 2006) Saved Policies 2013.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The application subject to this appeal is made under Section 73 of the Planning Act for the variation of a condition to make minor material amendments. This type of application is possible as a condition was imposed requiring space to be laid out within the site in accordance with the approved plans for vehicles to be parked, and for the parking and turning areas to be retained. The appeal seeks the removal of the condition and to replace it with a condition to allow for the provision of 4 additional car parking spaces as shown on submitted drawing no. 006.
3. Therefore, the main issues are the effect of the proposed variation of condition 12 on the levels of parking and its appropriateness, with particular regard to promoting sustainable modes of travel; the safe and efficient operation of access to the site by all users; and on the character and appearance of the area.

Reasons

Parking

4. The appeal site consists of an existing retirement living complex, with its associated grounds, access, car parking and turning areas. Based on the evidence before me the development was granted planning permission (Ref 16/04178/FUL) in November 2016, and the permission included the provision of 18 car parking spaces within the site. The development has been completed and the building is now occupied.
5. Policies 6.3 and 6.13 of the London Plan (2016) and Policy DM30 of the Croydon Local Plan (2018) set maximum parking standards for development. These standards are informed by the public transport access level (PTAL) for the location of the development. In this case the appeal site has a PTAL rating of 1b, suggesting poor accessibility to public transport, notwithstanding that the Council have highlighted the availability of bus services the area. Whilst PTAL ratings are not definitive, during my site visit I noted that the nearest shops and services were a modest walk away.
6. The proposed variation of the condition would result in 4 additional car parking spaces, and a total provision of 22 spaces within the appeal site. The Council are concerned that this would constitute an overprovision of car parking, and that it would promote unsustainable travel patterns.
7. I have considered the submitted Green Travel Plan 2017 (GTP) and note that the appeal site benefits from a good surrounding pedestrian network with continuous, suitably wide, and well-lit footways to support walking and use of mobility scooters. The GTP also highlights how the appeal site benefits from good access to local bus stops and services, and its proximity to Riddlestown and Sanderstead railway stations. Taking these factors into account, despite its PTAL rating of 1b, the appeal site is within a relatively sustainable location. As such, this does not support the need for additional parking.
8. I note that the first GTP survey of residents is due, however given that this has not yet occurred, and the review of the GTP is yet to be carried out I cannot be certain that any changes would be sufficient to mitigate or justify the additional car parking spaces sought by the appellant.
9. I have been provided a copy of a document entitled Report on Transport Impact and Parking Provision (Dr Allan J Burns, dated July 2017). I have taken into account the report's findings in relation to the link between entering sheltered housing and the giving up of car ownership by residents. However, I note the limitations of the report with regards to the availability of data from residents who had lived in such developments for 2, 3 or more years. In any event this does not justify the additional parking provision, which would encourage the retention and use of private vehicles.
10. I understand from the information before me that in a planning appeal for a similar scheme of 30 retirement living apartments at the appeal site, the previous Inspector concluded that the 21 spaces proposed is not justified and would be unlikely to promote sustainable travel patterns. The Inspector also concluded that the provision of 18 spaces seems to me to strike a reasonable balance between promoting development and ensuring sustainable travel.

Based on the evidence before me I have no good reason to come to a different conclusion.

11. The Council have also raised concerns that the appeal proposal would cause the loss of an electric vehicle charging (EV) point and parking bays and would therefore fail to provide the necessary infrastructure for electric vehicles. In response to these concerns the appellant states that they would be willing to provide additional EV points. No details have been provided of the requirement, or what the shortfall would be. In any event, I have found that the additional parking provision would not be appropriate, therefore it is not necessary for me to establish any such shortfall in EV points and parking bays.
12. The appellant states that the 4 additional spaces would allow for the development to become fully occupied. Whilst I note the representations from existing occupiers of the apartments refer to vacant units, the appellant has not provided any details of how the level of current parking has been specifically prohibiting the sale of the remaining apartments. This matter does not justify the harm I have identified above.
13. I note the appellant's reference to paragraph 109 of the Framework, however, given that this main issue relates to promoting sustainable modes of transport and not highway safety, paragraph 109 is not applicable to this main issue.
14. Consequently, I conclude that the proposal would provide an inappropriate level of car parking, this would not contribute to promoting sustainable modes of travel. As such, it does not accord with Policies SP8, DM29 and DM30 of the Croydon Local Plan (2018), and Policy 6.13 of the London Plan (2016). Collectively these seek to ensure a balance is struck between promoting new development, preventing excessive levels of car parking and encouraging alternative modes of transport.

Access

15. The current car parking layout provides 18 spaces, positioned to the south east of the building, and is accessed via one point of access and egress onto Addington Road. It is therefore used by all residents, visitors, staff and other vehicles required to service the site.
16. The proposal is to provide 4 additional car parking spaces to the side of the building adjacent to a high level brick wall, in an area currently occupied by a small area of landscaping, an accessible parking space, and existing hard surfacing. To facilitate these spaces the existing layout would be altered by rotating a space so that it is turned 90 degrees to the wall. Two additional spaces would run parallel to the wall, whilst a further two would also be positioned at 90 degrees so as to extend the existing bays.
17. The layout of the proposed parking would result in a narrowing of the area in between the corner of the building and the parking spaces, effectively creating a pinch point in the internal access and circulation route for vehicles that require access to the parking and service area to the rear of the site. It would also result in the loss of one accessible parking space.
18. The Council are concerned that this parking arrangement would create a hazard to pedestrians and vehicular traffic accessing the site, including emergency and service vehicles. They also object to the loss of accessible parking.

19. Both parties state pinch point would be 2.4m wide. The appellant has provided a letter in response to the Council's concerns in relation to this matter, prepared by a Senior Transport Planner (Paul Basham Associates, dated 22 May 2020). This concludes that this narrowing would not significantly impact the safety and operation of the parking court as the width is adequate for a car to safely pass through.
20. I note the details of movements to and from the site, and that the appellant considers the chances of cars needing to pass each other at the proposed pinch point would be extremely low. I also acknowledge that the site has multiple pedestrian entrance points, and that the provision of a pedestrian waiting area next to the pinch point. However, this does not address the concerns with regards to access for larger delivery and service vehicles, access for emergency vehicles or the loss of assessable parking provision. As no details have been provided, such as tracking of larger vehicles, I cannot be certain that the proposal would not be detrimental in this regard.
21. The appellant states that the additional spaces would not impact upon safety on the public highway, or the safe access in and out of the site. Based on the submitted information, there is no evidence before me that the safety on the surrounding highway network would be affected. However, this does not overcome my findings above that the proposed layout would impede safe access for all users within the site.
22. For the foregoing reasons, the proposed development would have an unacceptable impact on the safe and efficient operation of access to the site by all users. As such, it would not accord with Policies DM29, DM30 of the Croydon Local Plan (2018) insofar as they relate to ensuring that the provision of car parking does not impede movement of pedestrians, cyclists and emergency vehicles, that development is safely accessed by all users and can suitably accommodate the scale and type of traffic to be generated.
23. The Council's decision notice refers to Policies 6.3 and 6.12 of the London Plan (2016) and paragraph 109 of the Framework, these relate to impact on highway safety and the surrounding road network. Therefore, they are not relevant to my findings on this main issue above.

Character and Appearance

24. The appeal site is located off Addington Road, the prevailing character of the area is residential and comprises a variety of dwelling types, including detached and semi-detached properties which are set back from the road by front gardens and driveways, with low level front walls and railings that provide an open and spacious appearance to the street scene. The appeal site contains a block of retirement apartments, which are well set back from the road by landscaping and parking areas to the front, with railings and planting separating the site from the footway, reflecting the character of the area.
25. The proposed development would involve the removal of a small area of landscaping, which comprises of a kerbed grass area, with a single immature tree sited centrally. This area is located well within the site, to the side of the block of flats, and adjacent to a high level brick wall which separates the site from the adjacent property. The existing car parking spaces to the front of the appeal site separate the area from the street.

26. Due to the location of the landscaping within the site, it is not particularly prominent from the street and it makes a very limited contribution to the overall aesthetics of the area. Furthermore, due to its position in relation to the car parking at the front of the property, the area of landscaping is screened from views into the site taken from Addington Road by the planting adjacent to the footway, and cars parked in the spaces forward of the building line. Therefore, the loss of this landscaping would not have a detrimental impact of the street scene.
27. Consequently, the development would not harm the character and appearance of the area. It is consistent with Policies SP4 of the Croydon Local Plan (2018) and Policies 7.4 and 7.6 of the London Plan (2016), which seek to ensure that development is of high quality design, that respects local context and integrates within its surroundings.

Conclusion

28. Although I have found that the proposal would not result in harm to the character and appearance of the area, it would result in inappropriate levels of car parking that would not promote sustainable modes of travel, neither would it ensure the safe and efficient operation of access to the site by all users, these are the prevailing matters. As such, I conclude that the appeal should be dismissed.

R Cooper

INSPECTOR