



Appeal Decision

Site visit made on 12 October 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2021

Appeal Ref: APP/P5870/W/21/3272272

Waddon House, 283 Stafford Road, Wallington CR0 4FA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Curtis of IDM Properties Ltd against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2020/00781, dated 29 May 2020, was refused by notice dated 11 February 2021.
 - The development proposed is demolition of existing bin and cycle storage and erection of a three storey building comprising 8 self- contained flats, 6 off-street car parking spaces and cycle and bin stores, boundary treatment, landscaping and ancillary works.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing bin and cycle storage and erection of a three storey building comprising 8 self- contained flats, 6 off-street car parking spaces and cycle and bin stores, new boundary treatment, landscaping and ancillary works at Waddon House, 283 Stafford Road, Wallington, CR0 4FA, in accordance with the terms of the application, Ref DM2020/00781, dated 29 May 2020, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr J Curtis of IDM Properties Ltd against the Council of the London Borough of Sutton. This is the subject of a separate Decision.

Preliminary Matters

3. Since the appeal application was determined, the London Plan has been adopted (March 2021) and the Government has published the revised National Planning Policy Framework (the Framework) (July 2021). Where relevant, the parties have been provided with an opportunity to comment on the implication of the policy changes. Consequently, no prejudice has occurred and the decision has been made taking into account the updated policy context and any comments received in relation to such.

Main Issues

4. The main issues are:
 - the effect of the proposed development on public and highway safety and the safe functioning of the local highway network with regard to parking provision; and

- whether the refuse storage and collection measures would be adequate in terms of capacity, location and in terms of maintaining highway safety.

Reasons

Parking

5. The proposal seeks permission for the construction of 8 flats. A proposal for 9 flats on the site was dismissed¹ on appeal in 2019 and the matter of parking provision was a main issue between the parties in relation to that case. The appeal proposal differs therefrom in a number of respects, but notably in relation to its design and reduced scale, with one fewer flat.
6. The wider site still comprises the existing block of 87 flats at Waddon House and the car park, onto a part of which the appeal building would be built. From the evidence, it appears that the provision of 66 parking spaces was a requirement of the permission for the conversion of Waddon House to 87 flats². It is reported that of the 66 spaces available, only 39 have been leased since occupation of Waddon House.
7. The proposal would include a total of 52 car parking spaces, although only 6 for the proposed flats are detailed in the description of development. Of the 52 spaces to serve the total of 95 dwellings (existing and proposed), 8 would be accessible spaces.
8. Policy 37 of the Sutton Local Plan (2018) (Local Plan) requires that developments provide car parking in accordance with the prescribed restraint-based, maximum car parking standards taking into account public transport accessibility levels, existing publicly available parking provision and usage in the vicinity of the site. For the 8 flats proposed, a maximum of 8.5 spaces would be permissible under the Policy relative to the site's public transport accessibility level (PTAL), the number of units and bedspaces proposed.
9. Under the London Plan, Policy T6.1 requires that new residential developments have parking levels not exceeding the maximum standards set out in Table 10.3, which for the appeal proposal would equate to 6.25 spaces in total. The 52 spaces to 95 dwellings would provide an approximate ratio of 0.55 spaces per dwelling, thus falling below the maximum standards within both the London Plan and Local Plan.
10. The appellant previously undertook two parking surveys in 2017 and 2019 with the street parking stress figures reported as 51% and 84% respectively. Whilst this is a notable increase in the number of cars parked on the surrounding streets, it indicates that there is some degree of capacity for additional cars that may be generated by the development. My colleague reached a similar view in terms of the likelihood of limited additional overspill parking, but found a lack of evidence to suggest that this would result in prejudicial effects on highway safety. I attach material weight to this decision. I also note that no such evidence has been put before me in respect of the current proposal that could suggest a further increase in demand for on-street parking or how this would affect the safety of the highway network in the surrounding area. My findings from the site visit did not lead me to a different conclusion. I also note

¹ Appeal Ref: APP/P5870/W/18/3212866 dated 11 February 2019

² Planning permission Ref: D2015/72715

the lack of objections from the Highways Officer and Transport for London, subject to the imposition of relevant conditions.

11. The appeal site has a moderate PTAL rating of 3 owing to its location relative to Waddon Train Station (around 5 minutes walking time) which offers connectivity to Central London, or Epsom. Other areas of Croydon can be reached by bus, from which other train, tram and bus links are available. Cycle parking would be made available to each existing and proposed flat. There are a range of local shops and services within walking distance of the appeal site.
12. Whilst I note that prohibitive lease costs are raised as a factor for the lack of take-up of car parking spaces, and I am discouraged by the suggestion that this may have skewed the outcome, this is not a matter that can strictly be controlled by the existing planning conditions. The spaces were made available as was required. So too would the proposed spaces be provided prior to occupation. Occupiers have to weigh up the costs of maintaining a car, and parking space, should they wish to do so, or choosing alternative means to travel given the range of options available locally. London Plan Policy T6(c) advises that an absence of local on-street parking controls should not be a barrier to new development and it is clear that the related parking standards are expressed as a maximum and not a minimum in order to help reduce the reliance on private vehicles and associated parking spaces.
13. In view of the above, the proposal would not result in prejudicial effects on highway safety and therefore complies with, in particular, Policies T1, T4, T6 and T6.1 of the London Plan, which seek to maximise sustainable transport and minimise road danger. It also complies with Local Plan Policies 36 and 37 which seek to deter unnecessary car use while avoiding overspill parking problems.

Refuse

14. The proposal seeks to consolidate the existing refuse and bicycle storage on the site through removal of the existing storage building and the provision of a combined store at the ground floor level of the proposed building for both the proposed development and Waddon House. Access to the refuse storage would be to the front of the building and collected directly from Stafford Road.
15. In terms of capacity, the cumulative total number of flats within the site would be 95. From the evidence, the refuse storage requirement for this number of dwellings would equate to 10,060 litres of recycling and refuse storage. There would be a total of 10,670 litres within the proposal to meet this requirement. The distance from Waddon House to the recycling and refuse storage area would be approximately 31 metres (excluding vertical distances). This is marginally in excess of the recommended 30 metres, but, given the very limited difference between these distances, is considered acceptable.
16. The collection point for waste would be in close proximity to the bus stop and the pedestrian crossing. Waste is already collected from elsewhere along Stafford Road at the present time which suggests that vehicles already often navigate around refuse vehicles without incident. For vehicles passing a refuse vehicle at the collection point at the appeal site, it would be necessary to cross into the central area which has hatched line markings, when safe to do so. However, though the duration of the collection on Stafford Road from the appeal site would be greater with the number of existing and proposed, it is not

considered that there would be a materially prejudicial effect on highway safety given the manner in which the current collections already operate.

17. In view of the above, the proposal would not conflict with, in particular, Policy 36 of the Local Plan which seeks to minimise any adverse impact on the highway network.

Other Matters

18. I note the representations from local residents in respect of the form, design and proposed materials of the building. In my view, the proposal would assimilate well within the existing streetscene and constitute good design.
19. Given the form, intervening distances and orientation of the proposal, I do not consider that it would be overbearing or result in any loss of privacy, daylight or similar effects on the living conditions of neighbouring occupiers. Though there would be an intensification of the residential use on site, there would be no material effects in relation to noise or disturbance to existing residents. The temporary construction phase impacts would be the subject of a construction management plan to minimise disturbance.

Conditions

20. In addition to the statutory time limit, a condition is necessary specifying the approved plans in the interests of certainty. A number of conditions are necessarily required in advance of commencement on site and these have been agreed with the appellant in advance.
21. In order to minimise any construction traffic disruption, a condition is required specifying the need for a construction logistics plan. A construction management plan is also a requirement of a separate condition to minimise the impacts of the construction phase on neighbouring residents. In order to promote sustainable travel, a condition is required to ensure the provision of the number and type of cycle storage spaces prior to occupation.
22. In the interests of the character and appearance of the area, conditions are necessary in relation to tree protection and external materials of the development. Conditions are required in relation to hard and soft landscaping measures and boundary treatments for similar reasons.
23. In the interests of human health and environmental quality, conditions are required in relation to land contamination and refuse/recycling storage provision. In order to protect any potential archaeological features, a condition is required seeking the submission and adherence to a written scheme of investigation.
24. A range of conditions are necessary in relation to the energy credentials and design quality of the building in order to comply with relevant development plan policies, such as details in relation to an energy statement, its green roof, Secured by Design accreditation, provision of boilers, accessibility measures and energy outputs.
25. To ensure that the scheme has adequate means of surface water drainage, a condition is required ensuring compliance with the approved drainage details. In order to minimise the disruption to neighbouring occupiers, a condition is required specifying the permitted construction working hours. Lastly, in order

to provide adequate living conditions for future occupiers, a condition requiring the provision of ventilation measures is necessary.

Planning balance and conclusion

26. The proposal complies with the development plan. There are no considerations to indicate that a decision should be taken other than in accordance therewith.

27. For the reasons set out above, the appeal is allowed.

Hollie Nicholls
INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan, Ref 18.129-002 Rev A, dated 14.09.2020
 - Proposed Site Plan, Ref 18.129-101 Rev A, dated 22.07.2020
 - Proposed Ground Floor Plan, Ref 18.129-110, dated 13.05.2020
 - Proposed First Floor Plan, Ref 18.129-111, dated 13.05.2020
 - Proposed Second Floor Plan, Ref 18.129-112, dated 13.05.2020
 - Proposed Roof Plan, Ref 18.129-113, dated 13.05.2020
 - Proposed Contextual North Elevation, Ref 18.129-120, dated 19.05.2020
 - Proposed Contextual South Elevation, Ref 18.129-121, dated 19.05.2020
 - Proposed Contextual West Elevation, Ref 18.129-122, dated 19.05.2020
 - Proposed Contextual East Elevation, Ref 18.129-123, dated 19.05.2020
 - Proposed North Elevation, Ref 18.129-124, dated 19.05.2020
 - Proposed South Elevation, Ref 18.129-125, dated 19.05.2020
 - Proposed West and East Elevation, Ref 18.129-126, dated 19.05.2020
 - Proposed Contextual Section A, Ref 18.129-130, dated 19.05.2020
 - Proposed Contextual Section B, Ref 18.129-131, dated 19.05.2020
 - Proposed Section A, Ref 18.129-132, dated 19.05.2020
 - Proposed Section B, Ref 18.129-133, dated 19.05.2020
 - Landscaping Master Plan, Ref 504.01, dated May '20
 - Landscape Section, Ref 504.02, dated May '20
- 3) No development shall commence, including demolition and site clearance works, until a Construction Logistics Plan (CLP) has been submitted to and approved in writing by the Local Planning Authority. The CLP shall include details of:
 - (a) loading and unloading of plant and materials;
 - (b) storage of plant and materials;
 - (c) programme of works (including measures for traffic management);

- (d) provision of boundary hoarding, behind any visibility zones of construction traffic routing;
- (e) hours of operation; and
- (f) means to prevent deposition of mud on the highway.

The development shall be constructed in accordance with the approved details.

- 4) No development shall commence, including demolition and site clearance works, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority, to include details of:

- (a) provision of boundary hoarding;
- (b) hours of operation;
- (c) means to control dust and emissions to air;
- (d) means to control noise and vibration.

The CMP should be in accordance with the GLA's Supplementary Planning Guidance 'Control of Dust and Emissions during Demolition and Construction'. The development shall be constructed in accordance with the approved details.

- 5) No development shall commence, including demolition and site clearance works, until measures for the protection of all tree(s) shown to be retained has been submitted to and approved in writing by the Local Planning Authority. The measures shall be in accordance with the British Standard BS5837: Trees in relation to design, demolition and construction. Any works/development on site shall be carried out in strict accordance with the approved details and the protective measures shall only be removed on completion of the development.
- 6) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the Local Planning Authority. Should remediation be required, no development shall commence until a report is submitted to and approved in writing by the Local Planning Authority specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for use. The remediation of the site shall be carried out in accordance with the approved remediation strategy prior to commencement of building works.
- 7) No development (excluding demolition and site clearance works) shall commence until the site has been registered on the NRMM database (www.nrmm.london) and the details of any non-road mobile machinery to be used on site during the construction of the development with net power between 37kW and 560kW have been provided to demonstrate compliance with the standards of the Low Emission Zone for NRMM.
- 8) No development shall commence until a further revised Energy Statement incorporating updated 'as-designed' Standard Assessment Procedure (SAP) outputs has been submitted to and approved in writing

by the Local Planning Authority. This shall demonstrate how each of the new dwellings will apply the Mayor's energy hierarchy (use less energy, supply energy efficiently and use renewable energy) to achieve at least a 35% reduction in CO2 emissions below the target emission rate (TER) based on Part L1A of the 2013 Building Regulations and at least a 10% reduction in total emissions (regulated and unregulated) through on-site renewable energy generation. The development must exceed the minimum Part L1A emissions standards through energy efficiency measures alone.

- 9) No development shall commence until detailed proposals for accommodating a green roof as part of the design and layout of the development has been submitted to and approved in writing by the Local Planning Authority. This should include design/product specifications, the proposed implementation timescale and arrangements for on-going maintenance. Where a green roof or green wall is not proposed, the submitted documentary evidence should demonstrate why this would not be feasible or viable having regard to existing site constraints. The development shall be carried out in accordance with the approved details and thereafter retained.
- 10) No development shall commence, including demolition, until a stage 1 written scheme of investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.
 - A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
 - B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.
- 11) Prior to the commencement of works above slab level of the building hereby permitted, the type and treatment of the materials, including samples, to be used on the exterior of the building shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used in the construction of the development hereby approved, completed prior to its occupation/use and retained thereafter.
- 12) Prior to the commencement of works above slab level of the building hereby permitted, a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority and the Metropolitan Police SW Designing Out Crime Office, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. The approved details shall be implemented prior to occupation and shall be retained thereafter for the lifetime of the development.

- 13) Prior to the commencement of the works above slab level of the building hereby permitted, details of the boilers of the development shall be submitted to and approved in writing by the Local Planning Authority. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh. The boilers shall be installed and retained for the lifetime of the development in accordance with the approved details.
- 14) Prior to the occupation of the development, the car parking provision (including the car club space and accessible spaces) shall be laid out in accordance with the approved Proposed Site Plan, Ref 18.129-101 Rev A. Notwithstanding the details within the Plan, a further plan showing the location of the 6 active electric vehicle charging points and 5 passive electrical vehicle charging points within the car park shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented prior to occupation and retained thereafter for the life of the development.
- 15) Prior to the occupation of the development, details of the cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the development and shall be retained thereafter for the life of the development.
- 16) Prior to the occupation of the development, full details of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscaping and tree planting shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards (in particular, BS 3882: Specifications for Topsoil, Recommendations (2015) and BS 8545: Trees from Nursery to Independence in the Landscape, Recommendations (2014) or other recognised codes of good practice).

The works shall be carried out prior to the occupation of any part or relevant phase of the development or in accordance with the timetable agreed with the Local Planning Authority.

Any tree(s) or plants that (within a period of five years after planting) are removed, die, or are damaged or defective shall be replaced as soon as is reasonably practicable with others of a similar size/species/number as originally approved.

- 17) Prior to first occupation of the development, 'as-built' Standard Assessment Procedure (SAP) outputs must be submitted to the Local Planning Authority to demonstrate that the development has been carried out in accordance with the approved Energy Statement. If the development is unable to meet the required reduction in CO2 emissions through the approved energy strategy, then any shortfall shall be made up through the application of further sustainability measures. The approved measures should thereafter be retained.
- 18) Prior to first occupation of the development, written confirmation must be submitted to the Local Planning Authority and approved in writing that the site drainage and flood risk management measures detailed in the approved FRA and SuDS Statement, prepared by P3r Engineers Ltd, dated 21 October 2020, including SuDS, have been implemented as part of the development as built. Where different from the approved details,

further calculations carried out by an appropriately qualified professional must be provided to show that the peak run-off rate for the 1 in 100 year 6-hour rainfall event (plus 40% for climate change) will be as close as reasonably practicable to the calculated greenfield run-off rate for the same event and no more than 3 times the calculated greenfield run-off rate for the same event. The development shall be carried out in accordance with the approved details and thereafter retained.

- 19) Prior to occupation of the development, the refuse storage shall be provided in accordance with the Proposed Ground Floor Plan, Ref 18.129-110, and shall include the approved refuse and recycling bins. The development shall be retained as such thereafter.
- 20) Prior to the occupation of the development, details of the boundary treatment to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to occupation and shall be retained thereafter.
- 21) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.
- 22) Any works during the demolition / construction phase that generate noise beyond the site boundary shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and between 08.00 and 13.00 on Saturdays and at no time whatsoever on Bank Holidays and Sundays.
- 23) The façade and glazing element including any ventilation scheme as set out in the Environmental Noise Impact Assessment by Sound Advice Acoustics Ltd, Ref: SA-5372-2, dated May 2020, shall be implemented prior to first occupation of the development. The acoustic performance of any passive vent, variable speed mechanical air supply unit or whole house ventilation must be sufficient to ensure that the noise level standards given above are not compromised.
- 24) In total, the internal layouts of 7 number of units hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2). Evidence from an approved building control inspector demonstrating compliance of the internal layouts only should be submitted to and approved by the Local Planning Authority prior to occupation. The development shall be retained in accordance with these approved details thereafter.