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26/03/2024

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For the attention of Chris Grace

Dear Sirs

Town and Country Planning Act 1990 (as amended)
18 Haling Park Road, South Croydon, CR2 6NE
Demolition of existing dwelling and garage; erection of a three-storey building comprising 6 family houses; provision of modified access; provision of 6 parking spaces, refuse and recycling stores, secure cycle parking and communal landscaped amenity space to the front
Planning Application Reference 23/00233/FUL
Applicant Mr Paul Baker, Signature Living Group Ltd

Application to Vary Planning Condition 10

Planning permission was granted on appeal under reference APP/L5240/W/23/3321227 for the above development. Condition 10 stated:

"10. Details including section drawings and layout plans confirming House 1 will be constructed to M4(3) standards "wheelchair adaptable" and that the remaining houses will be constructed to M4(2) "accessible and adaptable" standards, to comply with Building Regulations 2010 (as amended), shall be submitted to and approved in writing by the Local Planning Authority before the relevant works begin. The approved details shall be provided prior to the first occupation of the development."

The requirement of the condition is that of the six houses, House 1 should be constructed to M4(3) standards, and the remainder to M4(2) standards.

Paragraph 30 of the Inspector's appeal decision notice set out the justification for the condition in the following terms:



“30.Conditions covering fire safety and accessible/adaptable dwellings are necessary in the interests of the safety of residents and to ensure the adequate provision of accessible and adaptable dwellings respectively.”

The applicant’s **original 1APP form specified that all units would be M4(2)** compatible and this was because the site had specific factors making compliance with M4(3) unlikely with the proposed layout. The wording of the condition was originally suggested by the Council as part of their Appeal Statement of Case. The Inspector did not assess whether the house to be built as House 1 could physically be constructed to M4(3) standards.

Notwithstanding, the applicant sought discharge of Condition 10, and the Council duly discharged the condition on 13th March 2024 under reference 23/04722/DISC.

However, contemporaneous to the application to discharge Condition 10, the applicant had been in discussion with Stroma Building Control regarding measures necessary to demonstrate compliance with the planning condition as the requirement for compliance with M4(2) and M4(3) is a requirement of the Building Regulations. Discussions with Building Control have concluded that irrespective of the fact the Council has discharged the planning condition, whilst all six houses can demonstrate compliance with M4(2), it is not possible to secure compliance with M4(3) without making alterations to the layout and appearance of the development entailing a further planning application. **In short, demonstrating compliance with the condition for the purposes of the Building Regulations is not possible with the approved layout.** As the Council will be aware, the site lies on sloping topography with each house “stepping” down the hill, and in addition, each house is narrow in plan form being only a maximum of 4072mm wide.

The issues as advised by Stroma Building Control are set out as follows:

- There is a requirement to provide a clear 1500 x 1500 area by the front entrance door. This cannot be achieved without omitting the brick archway/pier detail. Elevationally, this would then make this unit different to the other five houses and therefore affect the overall aesthetics and symmetry of the designed terraced buildings. The terrace is designed as a integral whole wherein symmetry is a key design attribute.
- All internal doors require a 850mm clear opening, together with 300mm wall nib on the leading edge and 200mm wall nib on the following edge. Due to the narrowness of the house layouts we are unable to accommodate this in all instances.

The Council is clearly aware that compliance with the more onerous M4(3) standard can be difficult, if not impossible on some small sites, particularly where factors at play include steeply sloping sites and the like. The Partial Local Plan Review 2024 that goes to the Executive on 26/03/24 is recommending a change to Policy SP2 with the introduction of SP2.8(f) which reads:



“f) At least 10% of all new homes will be built to meet M4 (3) ‘wheelchair user dwellings and the remainder should meet M4 (2) accessible and adaptable dwellings standards in line with London Plan Policy D7. **In exceptional circumstances, site specific factors may be considered to assess whether meeting the above requirement is achievable within development.**”

In our present case, the development cannot be built in strict accordance with the approved application drawings referenced in Condition 1 of the appeal decision notice if the requirements of Condition 10 are insisted upon due to the narrowness of the units that result directly from the steeply sloping topography of the site. We suggest these site-specific factors are exactly what is envisaged by the suggested changes to Policy SP2.8(f).

Therefore, the purpose of this s73 application is to vary the requirements of Condition 10 to require that all of the houses meet the M4(2) standards and omit reference to House 1 meeting M4(3) standards.

As the Council has already discharged Condition 10 and has confirmed that the details pursuant to M4(2) are acceptable for Houses 2-6, the applicant suggests the following condition as a variation of Condition 10:

“All houses must be constructed to M4(2) “accessible and adaptable” standards, to comply with Building Regulations 2010 (as amended).”

Yours faithfully



Simon Grainger BA(Hons) MRTPI
Director

