

PART 5: Planning Applications for Decision

1 INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Planning Committee.
- 1.2 Although the reports are set out in a particular order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a particular application, you need to be at the meeting from the beginning.
- 1.3 Any item that is on the agenda because it has been referred by a Ward Member, GLA Member, MP, Resident Association or Conservation Area Advisory Panel and none of the person(s)/organisation(s) or their representative(s) have registered their attendance at the Town Hall in accordance with the Council's Constitution (paragraph 3.8 of Part 4K – Planning and Planning Sub-Committee Procedure Rules) the item will be reverted to the Director of Planning to deal with under delegated powers and not be considered by the committee.
- 1.4 The following information and advice applies to all reports in this part of the agenda.

2 MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Committee is required to consider planning applications against the development plan and other material planning considerations.
- 2.2 The development plan is:
 - the London Plan July 2011 (with 2013 Alterations)
 - the Croydon Local Plan: Strategic Policies April 2013
 - the Saved Policies of the Croydon Replacement Unitary Development Plan April 2013
 - the South London Waste Plan March 2012
- 2.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken. Whilst third party representations are regarded as material planning considerations (assuming that they raise town planning matters) the primary consideration, irrespective of the number of third party representations received, remains the extent to which planning proposals comply with the Development Plan.
- 2.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.

- 2.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 2.6 Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
- 2.7 In accordance with Article 31 of the Development Management Procedure Order 2010, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.
- 2.8 Members are reminded that other areas of legislation covers many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
- **Building Regulations** deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
 - Works within the highway are controlled by **Highways Legislation**.
 - **Environmental Health** covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
 - Works on or close to the boundary are covered by the **Party Wall Act**.
 - **Covenants and private rights** over land are enforced separately from planning and should not be taken into account.

3 **ROLE OF THE COMMITTEE MEMBERS**

- 3.1 The role of Members of the Planning Committee is to make planning decisions on applications presented to the Committee openly, impartially, with sound judgement and for sound planning reasons. In doing so Members should have familiarised themselves with Part 5D of the Council's Constitution 'The Planning Code of Good Practice'. Members should also seek to attend relevant training and briefing sessions organised from time to time for Members.
- 3.2 Members are to exercise their responsibilities with regard to the interests of the London Borough of Croydon as a whole rather than with regard to their particular Ward's interest and issues.

4. **THE ROLE OF THE CHAIR**

- 4.1 The Chair of the Planning Committee is responsible for the good and orderly running of Planning Committee meetings. The Chair aims to ensure, with the assistance of officers where necessary, that the meeting is run in accordance with the provisions set out in the Council's Constitution and particularly Part 4K of the Constitution 'Planning and Planning Sub-Committee Procedure Rules'. The Chair's most visible responsibility is to ensure that the business of the meeting is conducted effectively and efficiently.
- 4.2 The Chair has discretion in the interests of natural justice to vary the public speaking rules where there is good reason to do so and such reasons will be minuted.

- 4.3 The Chair is also charged with ensuring that the general rules of debate are adhered to (e.g. Members should not speak over each other) and that the debate remains centred on relevant planning considerations.
- 4.4 Notwithstanding the fact that the Chair of the Committee has the above responsibilities, it should be noted that the Chair is a full member of the Committee who is able to take part in debates and vote on items in the same way as any other Member of the Committee. This includes the ability to propose or second motions. It also means that the Chair is entitled to express their views in relation to the applications before the Committee in the same way that other Members of the Committee are so entitled and subject to the same rules set out in the Council's constitution and particularly Planning Code of Good Practice.

5. PROVISION OF INFRASTRUCTURE

- 5.1 In accordance with Policy 8.3 of the London Plan (2011) the Mayor of London has introduced a London wide Community Infrastructure Levy (CIL) to fund Crossrail. Similarly, Croydon CIL is now payable. These would be paid on the commencement of the development. Croydon CIL provides an income stream to the Council to fund the provision of the following types of infrastructure:
- i. Education facilities
 - ii. Health care facilities
 - iii. Projects listed in the Connected Croydon Delivery Programme
 - iv. Public open space
 - v. Public sports and leisure
 - vi. Community facilities
- 5.2 Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through A S106 agreement. Where these are necessary, it will be explained and specified in the agenda reports.

6. FURTHER INFORMATION

- 6.1 Members are informed that any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

7. PUBLIC SPEAKING

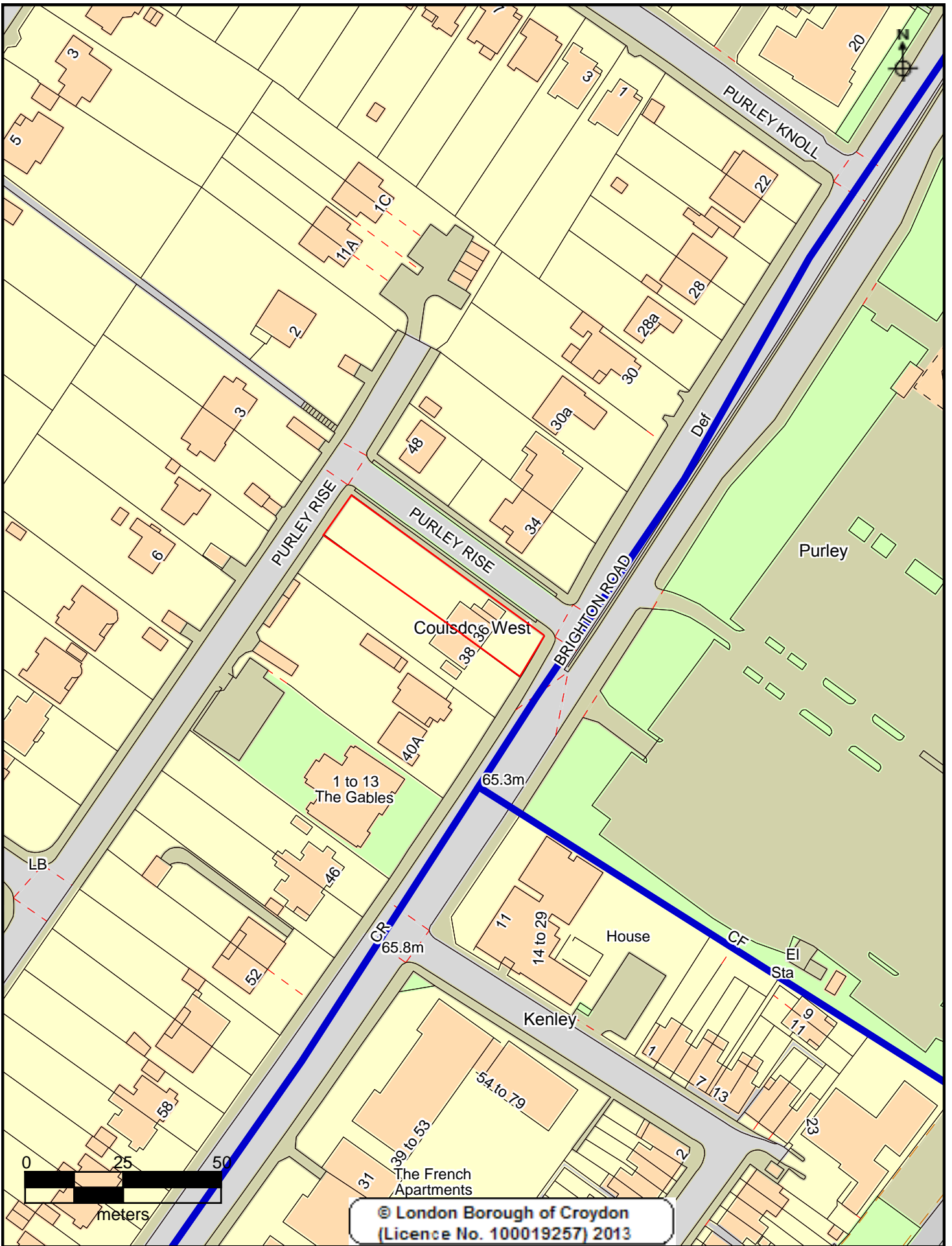
- 7.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Chair's discretion.

8. BACKGROUND DOCUMENTS

- 8.1 The background papers used in the drafting of the reports in part 6 are generally the planning application file containing the application documents and correspondence associated with the application. Contact Mr P Mills (020 8760 5419) for further information. The submitted planning application documents (but not representations and consultation responses) can be viewed online from the Public Access Planning Register on the Council website at <http://publicaccess.croydon.gov.uk/online-applications>. Click on the link or copy it into an internet browser and go to the page, then enter the planning application number in the search box to access the application.

9. RECOMMENDATION

- 9.1 The Committee to take any decisions recommended in the attached reports.



SUMMARY OF APPLICATION DETAILS

Ref: 17/02166/FUL
Location: Rear of 36 Brighton Road
Ward: Coulsdon West
Description: Erection of 1x2 storey three bedroom detached house and 1x2 storey detached two bedroom house
Drawing Nos: Site location plan, 1643/P/101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 150, 151, 152, 153
Applicant: Cllr Simon Brew
Agent: Tom Vincent, Granit Architects, Studios 18-19, 16 Porteus Place, Clapham, London, SW4 0AS
Case Officer: Dan Hyde

- 1.1 This application is being reported to Planning Sub-Committee because the applicant named on the application form is Councillor Simon Brew and as per the Committee Consideration Criteria, committee consideration is required.

2 RECOMMENDATION

- 2.1 That the Director of Planning and Strategic Transport has delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

- 1) The proposal to be in accordance with the approved plans
- 2) Tree Protection measures to be in place prior to works beginning on site, including storage of materials, appropriate ground protection, fencing and foundations
- 3) The landscaping to be in completed prior to occupation of both dwellings and to be maintained as such for a minimum of 5 years
- 4) Condition to remove permitted development rights from both of the dwellings
- 5) To complete the proposal in 3 years of the date of the permission
- 6) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport

Informatives

- 1) Site notice removal
 - 2) Community Infrastructure Levy liability informative
 - 3) Any other informative(s) considered necessary by the Director of Planning and Strategic Transport
- 2.2 That the Planning Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

3 PROPOSAL AND LOCATION DETAILS

Proposal

- Erection of 1 two storey 3 bedroom dwelling
- Erection of 1 two storey 2 bedroom dwelling
- Associated landscaping
- Both units would have frontages to Purley Rise and would be car free (no off street car parking proposed).

Site and Surroundings

- Residential in character
- Land levels rise from Brighton Road up Purley Rise
- Properties of a similar size and design to the application site along Brighton Road
- Character changes to large detached and semi-detached dwellings on Purley Rise
- A precedent has been set in the area for modern backland developments
- Flatted development to the north of the site
- The site is not subject to any designations as identified in the Croydon Local Plan Policies Map, however Brighton Road forms part of the Transport for London Road Network.

Planning History

The following planning decisions are relevant to the application:

- 07/00499/P - 34 Brighton Road – Erection of single/two storey 4 bed roomed detached house at rear fronting Purley Rise with integral garage and formation of vehicular access - **APPROVED**
- 15/02587/P - 46-48 Brighton Road – Erection of a pair of two bedroom semi-detached bungalows at rear; formation of vehicular access onto Purley Rise and provision of associated parking - **APPROVED**

4 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would not have a detrimental impact on the street scene given its use of the changes in land levels and use of suitable materials to create a proposal.
- The proposal would have acceptable living conditions for the future occupiers.
- The proposal would not prejudice the parking situation on Purley Rise given the underuse of the parking spaces in the immediate area.
- There would be no harm from the proposal on the neighbouring occupiers given location of windows and separation distances to surrounding properties.
- The proposal would not prejudice the health of the trees on the street which are Council owned.

5 CONSULTATION RESPONSE

The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6 LOCAL REPRESENTATION

6.1 The application has been publicised by way of one or more site notices displayed in the vicinity of the application site. The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 5 Objecting: 5 Supporting: 0

6.2 The following issues were raised in representations. Those that are material to the determination of the application, are addressed in substance in the MATERIAL PLANNING CONSIDERATIONS section of this report:

- Overdevelopment of the rear garden
- Detrimental impact on the character of the area
- Car entrances would cause safety hazard for vehicles and pedestrians
- Development would destroy trees
- Increase traffic and parking on Purley Rise
- Obtrusive design

6.3 The following matters were in representations which are not material to the determination of the application:

- Road subject to 'schedule of restrictive covenants (OFFCER COMMENT): The above comment is not a material planning consideration, and is something that should be sought to overcome a later stage of this development.

7 RELEVANT PLANNING POLICIES AND GUIDANCE

7.1 In determining any planning application, the Council is required to have regard to the provisions of its Development Plan so far as is material to the application and to any other material considerations and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The Council's adopted Development Plan consists of the Consolidated London Plan 2015, the Croydon Local Plan: Strategic Policies 2013 (CLP1), the Croydon Replacement Unitary Development Plan 2006 Saved Policies 2013 (UDP) and the South London Waste Plan 2012. (This list and the paragraphs below, will need to include CLP1.1 and CLP2 once they have weight and become material planning considerations).

7.2 Government Guidance is contained in the National Planning Policy Framework (NPPF), issued in March 2012. The NPPF sets out a presumption in favour of sustainable development, requiring that development which accords with an up-to-date local plan should be approved without delay. The NPPF identifies a number of key issues for the delivery of sustainable development, those most relevant to this case are:

- Requiring good design.

- Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions

7.3 The main policy considerations raised by the application that the Committee are required to consider are:

Consolidated London Plan 2015 (LP):

- 3.5 on Quality and design of housing developments
- 6.13 on Parking
- 7.4 on Local Character
- 7.6 on Architecture

Croydon Local Plan: Strategic Policies 2013 (CLP1):

- SP1.2 Place Making
- SP2.1 Homes
- SP2.6 Quality and Standards
- SP4.1 & 4.2 Urban Design and Local Character
- SP6 Waste and Climate Change
- SP8.15 Parking

Croydon Replacement Unitary Development Plan 2006 Saved Policies 2013 (UDP):

- UD2 Layout and Siting of New Development
- UD3 Scale and Design of New Buildings
- UD8 Protecting residential amenity
- NC4 Woodland Trees and Hedgerows
- T8 Parking
- H2 Supply of New Housing

There is relevant Supplementary Planning Guidance as follows:

- SPD2 Residential Extensions (LBC)
- Technical Housing Standards – Nationally Described Space Standards

7.4 The Partial Review of Croydon Local Plan: Strategic Policies (CLP1.1) and the Croydon Local Plan: Detailed Policies and Proposals (CLP2) have been approved by Full Council on 5 December 2016 and was submitted to the Planning Inspectorate on behalf of the Secretary of State on 3 February 2017 and the examination took place in May/June this year. Policies which have not been objected to can be given some weight in the decision making process. However at this stage in the process no policies are considered to outweigh the adopted policies listed here to the extent that they would lead to a different recommendation.

8 MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the committee must consider are:

1. Principle of development

2. Townscape and visual impact
3. Residential amenity
4. Amenities of future occupiers
5. Parking & cycle storage
6. Street trees
7. Waste and refuse

Principle of development

- 8.2 The principle of back-land development along Purley Rise to the rear of properties on Brighton Road is well established and therefore the principle of the development can be supported. The proposed development would provide for 2 family sized units – (1 x2 bed and 1x3 bed) which would contribute to the targets for new homes and specifically new family homes.

Townscape and visual impact

- 8.3 The proposed units would be well screened from the street scene due to the existing mature street that line Purley Rise. Whilst there may be small in between views of the new dwellings, these would not be considered harmful to the amenity of the area, particularly due to the materials of dark render to the ground floor and black stained larch timber cladding to the top floor. The choice of materials would allow the proposals to blend into the Purley Rise streetscape.
- 8.4 The existing hedging would be maintained as part of the proposals which would also help to mitigate any impacts, particularly for pedestrians walking on Purley Rise.
- 8.5 The top of Purley Rise is the highest point of the site and as the proposed dwellings would utilise the land levels to such an extent, the dwelling furthest north west would only appear 1½ storeys from the street and as such, would limit and mitigate its impact on the street scene. It is not thought that this unit would have a detrimental impact on the street scene on the top of Purley Rise.

Residential amenity

- 8.6 Whilst the proposed dwellings would introduce one new window that could potentially harm the amenities of the occupiers of 36 Brighton Road, the 17 metre separation distance between facing windows is considered significant enough to not warrant any harm on the amenities of the existing occupiers. The mature vegetation and separation distances of over 20m to the other neighbouring properties on Brighton Road would limit any impact from the proposal on the residential amenities of these occupiers.
- 8.7 No windows would be introduced to the west elevation that would cause any harm to the neighbouring occupiers on Purley Rise; especially with existing screening by mature vegetation, the changes in land levels and significant separation distance (in excess of 30 metres).
- 8.8 There are no side windows in the elevation of 48 Purley Rise and therefore there would be no harm to residential amenities (specifically privacy) and there would be no direct views from the windows in either of the proposed dwellings into this property's rear garden. Whilst there are side windows at 34 Brighton Road, this

property houses the Purley Language School and as such, any side windows do not serve residential accommodation and would therefore be acceptable.

Amenities of future occupiers

- 8.9 Both of the proposed units would be dual aspect and therefore allow a reasonable amount of light into the units which is supported.
- 8.10 House 1 (at the top of Purley Rise) would be two storeys and with 3 bedrooms over 97m² which would exceed unit sizes as specified by the National Technical Standards. House 2 (closest to 36 Brighton Road) would also be 2 storeys but would provide 2 bedrooms over 85m² which would still exceed the National Technical Standards.
- 8.11 Both dwellings would have a private courtyard area to the front providing private amenity space. House 1 (at the top of Purley Rise) would also provide rear garden amenity space. Both of the dwellings would have adequate provision of private amenity space and would both therefore be acceptable.

Parking and cycle storage

- 8.12 Both dwellings would not provide off street parking, which given the underuse of the parking facilities on street is acceptable. It is not considered likely that there would be large increase in vehicles in this section of Purley Rise as a consequence of the proposed development and therefore, the failure to provide off street car parking would not be critical. Furthermore, the site has a Public Transport Accessibility Rating of 5 – with alternative public transport options being readily available.
- 8.13 The cycle stores proposed would be in accordance with the London Plan with two cycle store spaces available for both units.

Street trees

- 8.14 The application was submitted with an Arboricultural Method Statement and Arboricultural Impact Assessment. Whilst no protected trees are listed on the site, there are a number of mature trees on the street which are Council owned which the Council are keen to maintain and avoid being harmed by the proposal and during construction.
- 8.15 The submitted information concluded that there would not be any significant harm to the street trees, which are also key for protecting the amenities of the street scene. No excavation would take place within the Root Protection Area of the trees and as such the health of the trees should be suitably protected.

Waste and refuse

- 8.16 Both units would have covered and secure waste and refuse storage; both are adequate for the provision of bins for the dwellings and are located to the front of the dwelling for easy access for collection days.

Conclusions

- 8.17 It is recommended that planning permission should be granted for the proposal, as it would not have a detrimental impact on the townscape or the visual amenity of the

area. The proposal would not have a detrimental impact on the amenities of neighbouring occupiers due to significant separation distances and mature vegetation. The proposal would not harm the street trees due to no excavation in the Root Protection Areas and would provide reason cycle and waste and refuse storage.

8.18 All other relevant policies and considerations, including equalities, have been taken into account.