

# Planning Sub-Committee Agenda



To: Councillor Muhammad Ali (Chair)  
Councillor Paul Scott (Vice-Chair)  
Councillors Chris Clark, Clive Fraser, Toni Letts, Felicity Flynn, Jason Perry,  
Scott Roche, Gareth Streeter and Oni Oviri

A meeting of the **Planning Sub-Committee**, which you are hereby summoned to attend, will be held on **Thursday, 28 February 2019** at the rise of Planning Committee but not earlier than **8.30pm** in **Council Chamber, Town Hall, Katharine Street, Croydon, Surrey, CR0 1NX**.

JACQUELINE HARRIS BAKER  
Council Solicitor and Monitoring Officer  
London Borough of Croydon  
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[www.croydon.gov.uk/meetings](http://www.croydon.gov.uk/meetings)  
Wednesday, 20 February 2019

Members of the public are welcome to attend this meeting. If you require any assistance, please contact the person detailed above, on the right-hand side.

To register a request to speak, please either e-mail [Democratic.Services@croydon.gov.uk](mailto:Democratic.Services@croydon.gov.uk) or phone the number above by 4pm on the Tuesday before the meeting.

N.B This meeting will be paperless. The agenda can be accessed online at [www.croydon.gov.uk/meetings](http://www.croydon.gov.uk/meetings)

## **AGENDA – PART A**

**1. Apologies for absence**

To receive any apologies for absence from any members of the Committee

**2. Minutes of the previous meeting (Pages 5 - 6)**

To approve the minutes of the meeting held on Thursday 14 February 2019 as an accurate record.

**3. Disclosure of Interest**

In accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, Members and co-opted Members of the Council are reminded that it is a requirement to register disclosable pecuniary interests (DPIs) and gifts and hospitality to the value of which exceeds £50 or multiple gifts and/or instances of hospitality with a cumulative value of £50 or more when received from a single donor within a rolling twelve month period. In addition, Members and co-opted Members are reminded that unless their disclosable pecuniary interest is registered on the register of interests or is the subject of a pending notification to the Monitoring Officer, they are required to disclose those disclosable pecuniary interests at the meeting. This should be done by completing the Disclosure of Interest form and handing it to the Democratic Services representative at the start of the meeting. The Chair will then invite Members to make their disclosure orally at the commencement of Agenda item 3. Completed disclosure forms will be provided to the Monitoring Officer for inclusion on the Register of Members' Interests.

**4. Urgent Business (if any)**

To receive notice of any business not on the agenda which in the opinion of the Chair, by reason of special circumstances, be considered as a matter of urgency.

**5. Planning applications for decision (Pages 7 - 10)**

To consider the accompanying reports by the Director of Planning & Strategic Transport:

**5.1 18/06058/FUL 58-60 Westow Hill, Upper Norwood  
(Pages 11 - 22)**

Alterations and use of ground floor for A3 (Restaurant and Cafe) and A4 (Drinking Establishment) Uses, installation of new shopfront and awning, erection of extractor fan at rear, erection of gate in side access and provision of landscaping features, provision of associated refuse

storage to rear.

Ward: Crystal Palace and Upper Norwood

Recommendation: Grant permission

**5.2 18/04067/FUL 126 Mount Park Avenue, South Croydon, CR2 6DJ (Pages 23 - 36)**

Erection of a two-storey four-bedroom house with accommodation in the roof space including 1 x dormer addition on the front roof slope and 1 x dormer addition on the rear roof slope; associated cycle store and amenity space; formation of new crossover; and the provision of two parking spaces.

Ward: Purley Oaks and Riddlesdown

Recommendation: Grant permission

**5.3 18/05962/HSE 318 Norbury Avenue, Norbury, London, SW16 3RL (Pages 37 - 44)**

Erection of a single storey rear extension.

Ward: Norbury Park

Recommendation: Grant permission

**5.4 18/03254/FUL Garage Block Adjoining 24 Balfour Road, South Norwood, SE25 5JY (Pages 45 - 56)**

Demolition of existing garages, erection of two bedroom detached house.

Ward: Woodside

Recommendation: Grant permission

**5.5 18/03002/FUL The rear of 15 Birdhurst Gardens, South Croydon (Pages 57 - 68)**

Alterations including alterations to land levels, erection of three storey 5 bedroom house with steps, erection of pergola and bicycle storage at rear and provision of 2 parking spaces.

Ward: South Croydon

Recommendation: Grant Permission

**6. Exclusion of the Press & Public**

The following motion is to be moved and seconded where it is proposed to exclude the press and public from the remainder of a meeting:

"That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended."

## Planning Sub-Committee

Meeting of Croydon Council's Planning Sub-Committee held on Thursday, 14 February 2019 at 9:43pm in Council Chamber, Town Hall, Katharine Street, Croydon, CR0 1NX

### MINUTES

**Present:** Councillor Muhammad Ali (Chair);  
Councillor Paul Scott (Vice-Chair);  
Councillors Clive Fraser, Jason Perry and Gareth Streeter

### PART A

A11/19 **Minutes of the previous meeting**

**RESOLVED** that the minutes of the meeting held on Thursday 31 January 2019 be signed as a correct record.

A12/19 **Disclosure of Interest**

There were no disclosures of a pecuniary interest not already registered.

A13/19 **Urgent Business (if any)**

There were no urgent business.

A14/19 **Planning applications for decision**

A15/19 **18/05651/FUL 93 Melfort Road, Thornton Heath, CR7 7RT**

Change of use of 6-bedroom house in multiple occupation (C4) to an 8-bedroom house in multiple occupation (sui generis).

Ward: Bensham Manor

The officers presented details of the planning application with no questions or clarifications.

Mr Roland Symonds, the applicant, spoke in support of the application.

Councillor Scott proposed a motion for **APPROVAL** of the application. Councillor Ali seconded the motion.

The motion of approval was put forward to the vote and was carried with all five Members unanimously voting in favour.

The Committee therefore **RESOLVED** to **GRANT** the application for the development of 93 Melfort Road, Thornton Heath, CR7 7RT.

A16/19 **18/04316/FUL 1-8 Lancing House, 43 Coombe Road, Croydon**

Use of ground floor garages as Caretaker HUB for Croydon Council, to include staff WC, Kitchenette, clothes store and general storage space.

Ward: Fairfield

THIS ITEM WAS WITHDRAWN FROM THE AGENDA AND OFFICERS UNDER DELEGATED AUTHORITY WOULD DETERMINE THE CASE.

The meeting ended at 9.55pm

**Signed:**

**Date:**

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## PLANNING SUB-COMMITTEE AGENDA

### PART 5: Planning Applications for Decision

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#### 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 or Resident Association 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 (consolidated with Alterations since 2011)
  - the Croydon Local Plan (February 2018)
  - 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.

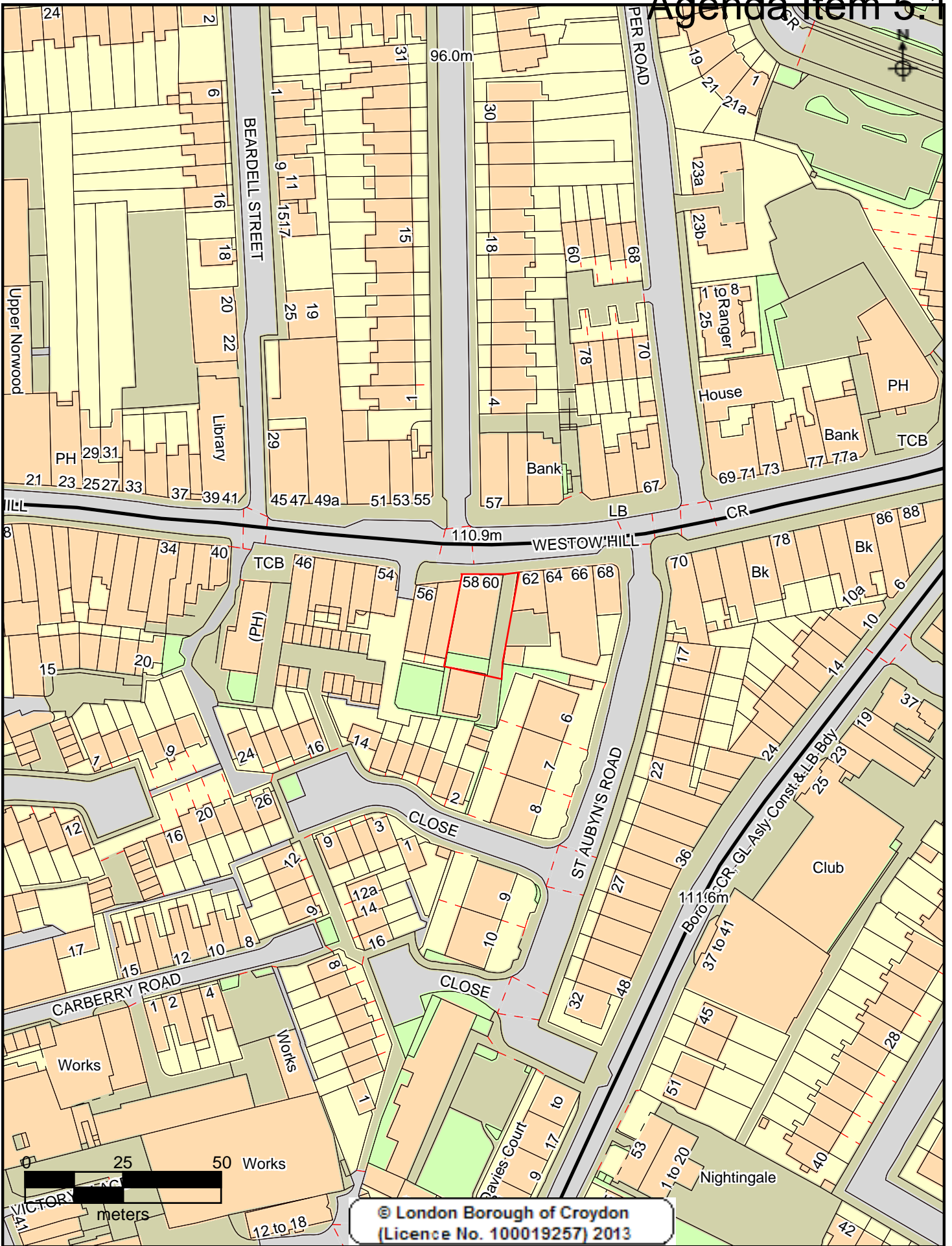
## **8. BACKGROUND DOCUMENTS**

- 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.

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**PART 5: Planning Applications for Decision****Item 5.1****1.0 SUMMARY OF APPLICATION DETAILS**

Ref:	18/06058/FUL
Location:	58-60 Westow Hill, Upper Norwood
Ward:	Crystal Palace and Upper Norwood
Description:	Alterations and use of ground floor for A3 (Restaurant and Cafe) and A4 (Drinking Establishment) Uses, installation of new shopfront and awning, erection of extractor fan at rear, erection of gate in side access and provision of landscaping features, provision of associated refuse storage to rear.
Drawing Nos:	SW60CH P ; WH60CH 300 LUL rev 1 ; WH60CH 200 EE ; WH60CH 200 NE ; WH60CH 200 WE ; WH60CH 100 GA 100 ; WH60CH GA 200 ; WH60CH 300 CSMP ; WH60CH 300 SP ; WH60CH LP rev 1 ; WH60CH 300 KE.
Applicant:	Jove Ltd
Agent:	Ms Maria Gallego Lopez
Case Officer:	Mr D A Gibson

- 1.1 The application has been Referred to the Planning Sub-Committee for consideration by Councillor Stephen Mann (objecting). The total number of resident objections received also exceeds the threshold of officer delegated authority. Therefore, in accordance with the Committee Consideration Criteria it is reported for Consideration by the Planning Sub-Committee.

**2.0 RECOMMENDATION**

- 2.1 That the Planning Sub-Committee resolve to GRANT planning permission.
- 2.2 That the Director of Planning and Strategic Transport is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:
1. In accordance with the approved plans.
  2. Development to be commenced within three years.
  3. Samples and details (as appropriate) of materials.
  4. Details (appearance/management) of security gate to side pedestrian passage.
  5. Windows and doors to be implemented as timber framed as specified and approved, and retained as such thereafter.
  6. No seating or tables shall be provided in the side passage.
  7. Details of security lighting (siting and specification).
  8. Details of waste management plan to be submitted for approval.
  9. Refuse store to be provided prior to use.
  10. Control of opening hours of pub (including use of side passageway).

11. Details of noise limiting devices for sound amplification / music to be submitted for approval.
12. Details of electrostatic precipitator within extractor fan system.
13. S278 highways agreement to make provision for loading bay for delivery vehicles on Westow Hill being agreed before commencement of development.
14. Re-instatement of redundant dropped kerb, outside site on Westow Hill, to full height kerb.
15. Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport.

#### **Informatives.**

1. CIL informative.
2. Code of Practice regarding small construction sites.
3. Any other informative(s) considered necessary by the Director of Planning and Strategic Transport.

### **3.0 PROPOSAL AND LOCATION DETAILS**

#### **Proposal**

- 3.1 The proposal is to convert a vacant ground floor shop (formerly Plumbase) into a pub. The alterations would involve the installation of a new shopfront and awning, alterations to the side and landscaping and a gate to the side access, siting of rear extractor fan, and refuse storage to the rear.
- 3.2 The proposed opening times are :
  - 0900 hours to 2330 hours Sundays to Wednesdays.
  - 0900 hours to 0030 Thursday to Saturdays.
  - The serving of alcohol will cease 30 minutes before closing time.
  - Use of the side passage for customers will cease at 2200 hours.

#### **Site and Surroundings**

- 3.3 Three storey building on southern side of Westow Hill (part of Crystal Palace Triangle). The ground floor is 252 square metres in area and projects back and forward of the main building and is a vacant shop (formerly Plumbase) with modern shopfront (currently hoarded). The upper floors are in use as flats. The building has an attractive municipal red brick and decorative stone façade. The eastern flank and southern rear elevations of the building are formed of a yellow London stock brick. There are infilled windows on the ground floor flank eastern elevation. There is an impromptu rear roof garden at first floor level serving the upper floor residential units. There is a paved side vehicle / pedestrian access adjacent to the eastern flank of the building and a low barrier gate to it.
- 3.4 There is a vacant warehouse building to the rear of the application site, which was ancillary storage for the Plumbase store. The immediate area is predominantly commercial in character albeit with flats above ground floor commercial units in some instances. Also, there are residential dwellings to the

south-east and south of the site in St. Aubyn's Road and Brunel Close respectively.

- 3.5 The site is designated as Secondary Retail Frontage in the Upper Norwood District Centre. The site is within the Upper Norwood Conservation Area.
- 3.6 Westow Hill is classified as a Local Distributor Road. The site has a Public Transport Accessibility Level (PTAL) of 5 (good).

#### **Relevant Planning History**

- 3.7 18/01332/FUL - Alterations and use of ground floor as a public house, installation of shopfront and awning, erection of extractor fan at rear, erection of gate in side access and provision of landscaping features: provision of associated refuse storage to rear.  
11/09/18 - Withdrawn application.

#### Warehouse to Rear

- 3.8 18/02544/FUL - Demolition of rear warehouse building, erection of 1 two storey 2 bedroom house and 2 three storey 3 bedroom houses, provision of associated cycle and refuse storage.  
01/02/19 – Withdrawn application.

#### **4.0 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- The proposed development would promote a retail function in a District Centre.
- The proposed design alterations would be in keeping with its context, thus preserving the appearance of the site, surrounding area, and conservation area.
- The proposed development would not cause significant harm to neighbouring properties' living conditions.
- The proposed development is in an area highly accessible by public transport and would not have an adverse impact on the operation of the adjacent highway, subject to conditions
- The proposed development would be subject to conditions controlling hours and music / sound amplification within the premises to protect nearby residents from adverse noise and disturbance.

#### **5.0 CONSULTATION RESPONSE**

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

#### **6.0 LOCAL REPRESENTATION**

- 6.1 Councillor Stephen Mann has Referred (Objecting) the application to Planning Sub-Committee on the following grounds :

- Saturation of pubs in locality.
- Loss of shop use.
- Affect on 62 Westow Hill.

- 6.2 A total of 13 neighbouring properties were notified about the application and invited to comment by the way of letter.
- 6.3 The application was also advertised by way of site notices and a press notice as it is within a conservation area.
- 6.4 Consultations were sent to adjoining Boroughs – Lambeth and Bromley. Both acknowledged receipt, but neither provided comments on the application.
- 6.5 Transport for London were consulted on the application and had no comment to make on it.
- 6.6 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

Individual responses: 83

59 Objections ; 23 Supporting ; 1 Commenting

The following summarised issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report

### **Objections**

- Loss of A1 (Shop) Use / Imbalance of non-A1 Uses in Triangle
- Too many pubs in locality / Too many Antic Pubs in locality.
- Will attract many more patrons (possibly up to 250 people) than an A1 Use Class.
- In area 8 premises have late-night licences / 15 have alcohol licences.
- Too many late licence venues in locality.
- Out of character with independent shops in Triangle.
- Will dissuade other businesses from locating in vicinity.
- Contrary to NPPF on promoting retail diversity.
- There are a number of vacant pubs in locality – why can't they be used instead.
- Planning application submitted to Bromley Council re 'Grape and Grain' pub is a better example of a sensitive development.
- Will be converted to flats.
- Affect on character of positive unlisted building at 58-60 Westow Hill.
- Increased noise and disturbance / anti-social behaviour / smoking / drug use.
- Specific noise issues from proximity / use of side passage on the residents of 62 and 60a Westow Hill.
- Adverse effect on residential neighbours.
- Will effect shift workers.
- Increased pollution from extractor fans.
- Increased overlooking.
- Inaccurate and contradicting information in application submission / misleading site plans.



- Site has been marketed to deliberately put off A1 Use Class occupiers.
- Degradation of conservation area / Contrary to guidance documents.
- Affect on trees / wildlife (Officer Comment : There are no trees on the site).
- Increased traffic.
- Will cause highway hazards.
- Unclear delivery arrangements (Officer Comment : A delivery and servicing plan was submitted with the application).
- Unsafe delivery arrangements.
- Will impede a right of way along the side passageway.
- Increased light pollution.
- Stringent conditions should be applied if planning permission is granted.
- Will block access to rear storage unit.
- Will attract vermin.

Officer Comment : A number of objecting representations made reference to application ref: 18/02544/FUL, which proposed 3 houses in place of a warehouse to the rear of the site. However, the application was formally withdrawn by the applicant on 01/02/19.

#### **Supporting**

- Will bring derelict shop back into use.
- Will improve appearance of building.
- Will add to vibrancy of area.
- A number of objectors are not from local area.

#### **Commenting**

- Hours of opening not specified (Officer Comment : The proposed hours of opening are specified within the application documents).

## **7.0 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 Croydon Local Plan (2018), Mayor's London Plan (2016) and the South London Waste Plan 2012.

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:

- Achieving sustainable development.
- Ensuring the vitality of town centres.
- Promoting sustainable transport.
- Achieving well-designed places.

- Conserving and enhancing the historic environment.
- 7.3 The National Planning Policy Framework (NPPF) July 2018 is a material consideration in planning decisions.
- 7.4 The main policy considerations from the London Plan (2016) raised by the application that the Sub-Committee are required to consider are:
- Policy 1.1 Delivering the Strategic Vision and Objectives for London.
  - Policy 4.1 Developing London's Economy.
  - Policy 4.7 Retail and Town Centre Development.
  - Policy 4.8 Supporting Diverse Retail Sectors / Facilities.
  - Policy 6.1 Strategic Approach (Transport).
  - Policy 6.3 Assessing Effects of Development on Transport Capacity.
  - Policy 6.12 Road Network Capacity.
  - Policy 6.13 Parking.
  - Policy 7.2 An Inclusive Environment.
  - Policy 7.4 Local Character.
  - Policy 7.6 Architecture.
  - Policy 7.8 Heritage Assets.
- 7.5 A new draft London Plan has been out for public consultation The GLA current program is for examination of the plan and a final London Plan published in Autumn of 2019. The current 2016 consolidation Plan is still the adopted Development Plan. However the Draft London Plan is a material consideration in planning decisions and will gain more weight as it moves through the process to adoption. At present the plan in general is considered to carry minimal weight.
- 7.6 The main policy considerations from the Croydon Local Plan (2018) raised by the application that the Sub-Committee are required to consider are:
- Policy SP1 The Places of Croydon.
  - Policy SP3 Employment.
  - Policy DM4 Development Croydon Town Centre, and District and Local Centres.
  - SP4 Urban Design and Local Character.
  - DM10 Design and Character.
  - DM11 Shopfront Design.
  - DM13 Refuse and Recycling.
  - DM18 Heritage Assets and Conservation.
  - SP8 Transport and Communication.
  - DM29 Promoting Sustainable Travel / Reducing Congestion.
  - DM30 Car and Cycle parking in new development.
  - DM39 Crystal Palace and Upper Norwood.

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

8.1 The main planning issues raised by the application that the Planning Sub-Committee are required to consider are:

- Principle of development in relation to shopping area policies.
- Impact on the appearance of the site, surrounding area and conservation area.
- Impact of the development on neighbouring properties' living conditions.
- Impact of the development on parking and the highway.
- Other planning issues.

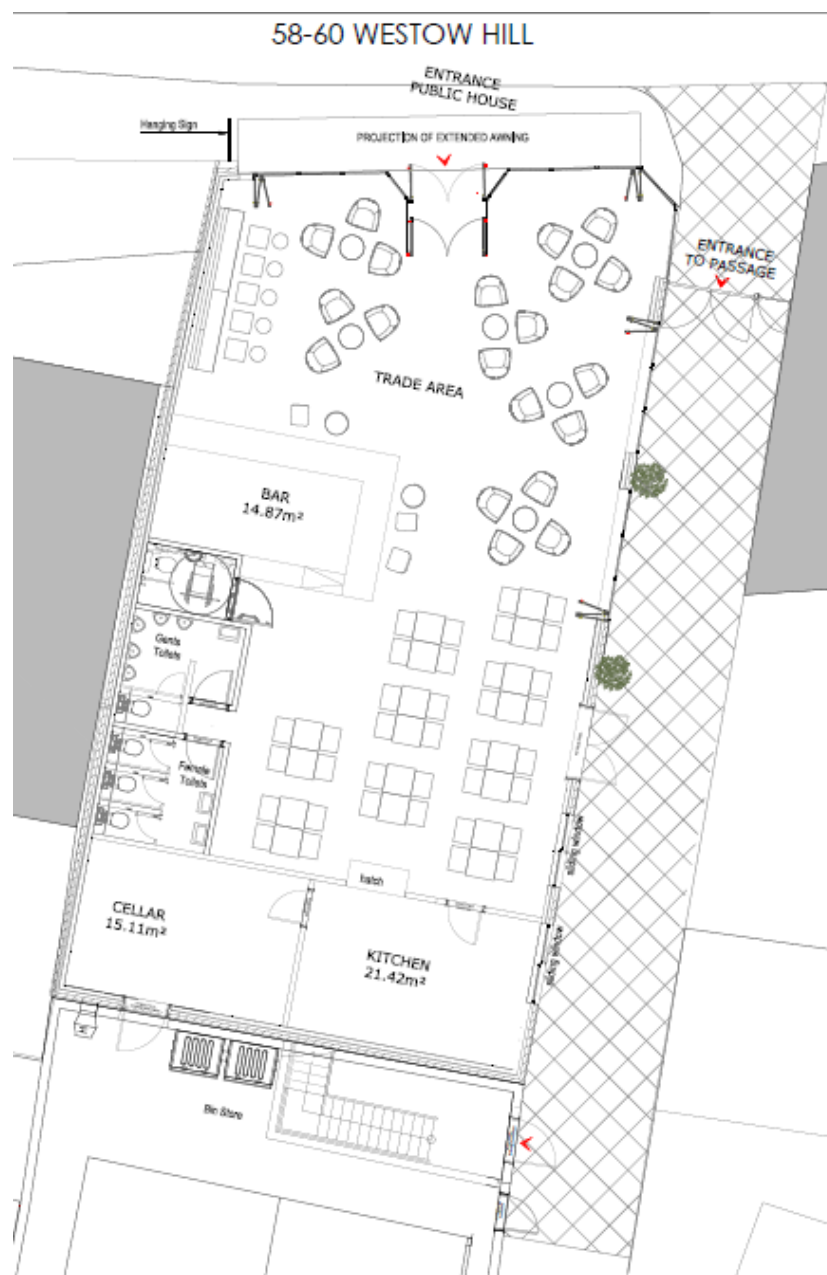
### **Principle of development**

- 8.2 The existing property is a vacant shop (A1 Use Class). Policy SP3.8 of the Croydon Local Plan promotes the provision of retail uses within District Centres. Policy SP3.12 seeks to maintain, as a minimum, the current amount of retail floorspace in District Centres, enhance the quality of retail floorspace, and reduce the vacancy of shop units. Policy DM4.1 seeks to ensure that the vitality and viability of District Centres is maintained by not allowing changes of use which would result in a net loss of 'A' Use Classes. Policy DM4.2 requires changes of use to ground floors within District Centres to comply with Table 5.3 of The Croydon Local Plan. This Table permits changes of uses in Secondary Retail Frontages in District Centres (such as this) between A1 retail uses and A3 restaurant and A4 and drinking establishment uses.
- 8.3 The proposal would be acceptable in principle as policy makes provision for a change of use from an A1 Use Class to an A3 or A4 Use Class within the Secondary Retail Frontage of the District Centre. There are 14 pubs/bars around the Crystal Palace Triangle. Policy does not seek to control the number of pubs within a specific area and nor does it require the vacancy of other pub buildings to be a consideration.

### **Impact on the appearance of the site, surrounding area and conservation area.**

- 8.4 The existing ground floor façade of the building has deteriorated as a result of the vacancy of the shop unit. The proposed shopfront would have an acceptable glazing arrangement with bi-folding doors. Stallrisers would be provided to the base of the glazing and a horizontal window with street number etched on it would be provided above the main entrance doors. The glazing arrangement would fit in well with the proportions and alignment of the existing feature windows at first and second floors on the façade of the building. The shopfront would have timber frames and a timber fascia is proposed. The use of timber materials can be secured by condition. The applicant has proposed naming the pub 'Cambridge Coopers'. This is a reference to both a shop called 'Coopers' which occupied the site in the 1960's and to a historic, now defunct, pub in the vicinity called 'The Cambridge'.

- 8.5 The ground floor eastern flank wall of the site would also have glazed bi-folding doors opening out onto the side passageway. This would improve the appearance of the eastern flank of the building and would have the benefit of providing natural surveillance of the passageway and activity within it. The current tarmac surface of the passageway would be improved through the provision of an improved a paving slab scheme. Full details of the materials of the proposed re-surfacing can be secured by condition. The extractor fan equipment would be sited on the rear elevation of the building and so would not be highly visible in the street scene or surrounding built environment.
- 8.6 The proposed new shopfront and other alterations would improve the overall appearance of the building and preserve and enhance the appearance of the conservation area.



Proposed Ground Floor Layout

### **Impact of the development on neighbouring properties' living conditions.**

- 8.7 It is proposed that the pub would be open to the general public from 0900 hours until 2330 hours from Sunday through to Wednesdays. On Thursday, Friday and Saturday is proposed that it would stay open later in the evenings, until 0030 hours. Alcohol would stopped being served 30 minutes before the closing time of the pub. The use of the side passage would cease at 2200 hours.
- 8.8 A number of the residential objections received against the application express concern about noise and disturbance resulting from the proposed pub use. However, it is considered that the opening hours would be acceptable for a District Centre location and the hours are similar to other eating and drinking establishments in the area. The 10pm cessation of the use of the side passage for customer use would assist in managing the effect of the pub use on the residents in 60/62 Westow Hill. To further protect adjacent residents from undue noise and disturbance it is further recommended that no seating and tables are permitted in the side passage. These matters can be secured by condition.
- 8.9 With regard to noise emanating from the activity within the pub, the Council would expect a noise limiting device to be fitted to the electrical supply, which will cut out the supply to amplified music if noise levels exceed a certain decibel level (to be agreed by the Council). The applicant has made provision for a noise limiting device. Full details of it can be secured by condition. It is not proposed to place seating in the passageway adjacent to the eastern flank of the building. Sound proofing is proposed between the ground floor and first floor. The applicant has submitted a Crime and Safety Plan which amongst other things makes provision for CCTV, security lighting , and a staff litter patrol.
- 8.10 The pub's extractor fan system proposed to the rear elevation would discharge at low level. The Council's Environmental Consultant advises that because there will be the use of fryers in the cooking process, an electrostatic precipitator should be installed as part of the extraction system. Full details of this mechanism can be secured by condition.
- 8.11 Therefore, mitigation measures can be put into place to restrict noise and disturbance from the use of the pub and these matters can be secured by condition. As a result, the proposal would not create significant levels of noise disturbance such to justify refusal of planning permission.
- 8.12 It is considered that as the pub would occupy the ground floor of the building that no adverse effect would result from the development in terms of loss of privacy, loss of light, or loss of outlook.

### **Impact of the development on parking and the local highway network.**

- 8.13 Policy aims to actively manage the pattern of urban growth and the use of land to make the fullest use of public transport and co-locate facilities in order to reduce the need to travel. It also encourages car free development in areas with

good access to public transport. Development must not have a detrimental effect on highway safety.

- 8.14 The site has a Ptal rating of 5 (good) and no off-street parking is proposed. With regard to delivery vehicles the applicant proposes to form a new loading bay on the highway of Westow Hill directly to the front of the existing passageway. Transport for London have not raised any objection to the provision of the loading bay. This would be acceptable subject to a Section 278 legal agreement for highway works being agreed with the relevant highway team. Any works undertaken to provide the bay, such as road markings, would be undertaken by the developer at his own expense. The Section 278 legal agreement would also ensure that a bay of appropriate size can be provided. This matter can be secured by condition. The applicant has confirmed that there is not any vehicular right of way for any other parties to the passageway.
- 8.15 It is not proposed to use the side passageway for vehicular access. The Council would seek to ensure the redundant dropped kerb serving the access would be re-instated to a full height kerb and that works would be undertaken by the developer at his own expense. This matter can be secured by condition.

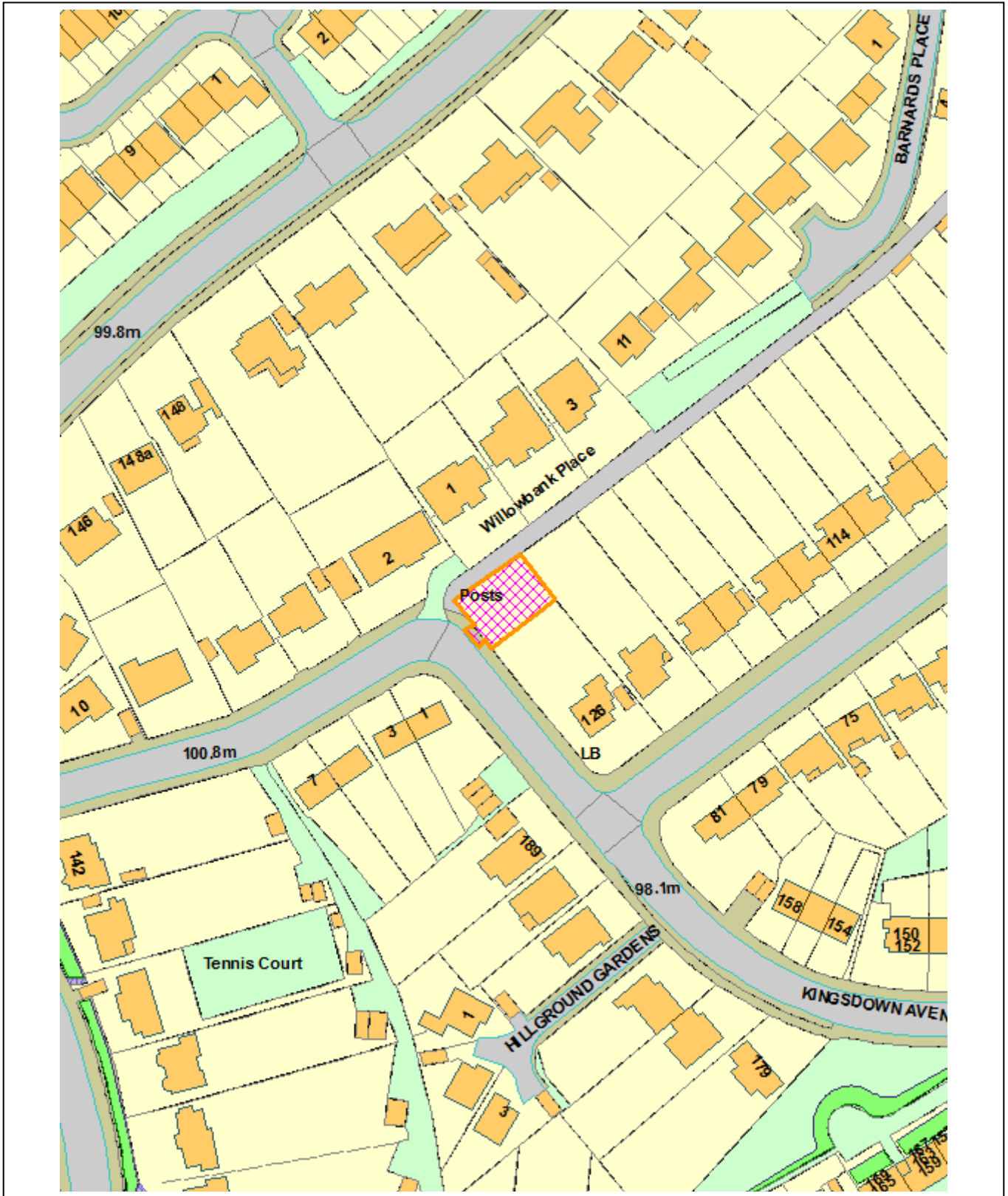
### **Other Planning Issues**

- 8.16 Bin storage would be provided in the rear of the site and would be wheeled down the passage on collection days. A management plan for collection of refuse can be secured by condition.

## **9 Conclusion**

- 9.1 The proposed development would bring a vacant retail unit back into use in an accessible District Centre location. The alterations would be sensitive to the conservation area and would improve the existing appearance of the building. There would be no adverse effect on the amenity of nearby residential occupiers.
- 9.2 All other relevant policies and considerations, including equalities, have been taken into account.

Contact: [development.management@croydon.gov.uk](mailto:development.management@croydon.gov.uk)



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**PART 5: Planning Applications for Decision**

**Item 5.2**

**1 SUMMARY OF APPLICATION DETAILS**

Ref: 18/04067/FUL  
 Location: 126 Mount Park Avenue, South Croydon, CR2 6DJ.  
 Ward: Purley Oaks and Riddlesdown  
 Description: Erection of a two-storey four-bedroom house with accommodation in the roof space including 1 x dormer addition on the front roof slope and 1 x dormer addition on the rear roof slope; associated cycle store and amenity space; formation of new crossover; and the provision of two parking spaces  
 Drawing No's: TP 044 03C, TP 044 02D, S 044 01, TP 044 04C, Design and Access Statement, and Tree Report- P8512J289 - Final v1.1 August 2018  
 Applicant: Ms Sunita Shonpal  
 Agent: Mr Simon King  
 Case Officer: Henrietta Ansah

	studio	1 bed	2 bed	3 bed	4 bed
House	0	0	0	0	1

Number of car parking spaces	Number of cycle parking spaces
2	2

- 1.1 This application is reported to Committee because ward councillor (Cllr Simon Hoar) made representations in accordance with the Committee Consideration Criteria and requested committee consideration.
- 1.2 During the course of the application process, the applicant has amended the plans to include an additional storey, altering the proposal from a single storey bungalow to a two-storey property. The changes were subject to re-notification.

**2 RECOMMENDATION**

- 2.1 That the Committee resolve to GRANT planning permission.
- 2.2 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) Development to be carried out in accordance with the approved drawings except where specified by conditions.
- 2) All external materials to be submitted for approval prior to above ground works.
- 3) Refuse stores, cycle stores, sight lines and visibility splays to be submitted for approval prior to the occupation of the building.
- 4) Removal of Permitted Development rights for the building.
- 5) Soft and hard landscaping, boundary treatments and details of the proposed planting mix (including proposed replacement tree specimens and sizes) to be approved
- 6) Construction Logistics Plan shall be submitted and approved prior to the commencement of development.
- 7) 19% reduction in carbon emissions.
- 8) Water usage restricted to 110 litres per person per day.
- 9) Permeable Materials
- 10) Commencement of development within three years of consent being granted
- 11) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport

## **Informatives**

- 1) Community Infrastructure Levy
- 2) Code of Practice for Construction Sites
- 3) Any other informative(s) considered necessary by the Director of Planning and Strategic Transport

- 2.3 That the 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**

- 3.1 The proposal comprises the following:

- The erection of a two storey property with accommodation in the roof space;
- Provision of four bedrooms;
- Provision of refuse and recycling store;
- Provision of cycle storage;
- Provision of hard and soft landscaping, including two parking spaces; and
- Amenity space provided to the rear.

### **Site and Surroundings**

- 3.3 The site is located on the northern side of Mount Park Avenue and fronts onto the eastern side of Kingsdown Avenue, adjacent to a bend in the road where Edgehill Road is formed.

The site comprises a plot of land which formerly comprised the rear garden area of 126 Mount Park Avenue. The site is currently enclosed by a hoarding.

- 3.4 The wider area comprises mainly detached and semi-detached two-storey properties with interspersed bungalow style properties. Many of the properties have on-site parking provision by way of hardstandings and/or garages.
- 3.5 The site is identified as a Surface Water Critical Drainage Area.

### **Planning History**

- 3.6 The following applications are relevant to the consideration of the current proposal:

18/01319/FUL: Erection of a three-bedroom bungalow with accommodation in the roof space, with associated works.

APPROVED on 22<sup>nd</sup> June 2018. Not implemented. This scheme is extant and establishes the principle of the use of this site as a separate plot following adoption of the Croydon Local Plan 2018 and is similar to the proposed development in terms of its footprint, albeit is single storey in nature.

13/00914/FUL: Erection of a three-bedroom chalet bungalow with associated works.

APPROVED on 2<sup>nd</sup> October 2013. This consent was not implemented. This consent has expired.

04/02457/P: Demolition of garage and store; erection of single/two storey side/single storey rear extension (alterations to planning permission 03/2816/P) to include new garage.

APPROVED on the 11<sup>th</sup> August 2004.

03/02816/P: Demolition of garage and store; erection of single/two storey side/single storey rear extension to include garage,

APPROVED on the 19<sup>th</sup> October 2003

#### **4 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- There are no protected land use designations on the site and therefore the principle of development is acceptable.
- The scale and layout of proposed built form is considered to be appropriate for the site, and the traditional design and appearance of the building would be in keeping with the surrounding character of the area.
- The living conditions of adjoining occupiers would be protected from undue harm.
- The living standards of future occupiers are satisfactory and meet the National Described Space Standards.
- The highway impact is considered acceptable.
- The refuse and cycle storage is considered acceptable.
- The proposed removal of the existing trees on site and their replacement is considered acceptable.
- Flood risk is suitably mitigated.
- Sustainability can be appropriately managed through condition.

#### **5 CONSULTATION RESPONSE**

- 5 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 neighbourhood notification letters. Following a number of changes to the design, height and massing of the scheme neighbours were re-notified during a re-consultation process (between the 30<sup>th</sup> October and the 15<sup>th</sup> November 2018). The number of representations received from neighbours and local groups in response to notification and publicity of the application was as follows:

No of individual responses: 2 Objecting: 2 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:

<b>Objection</b>	<b>Officer comment</b>
<i>Principle of development</i>	
Overdevelopment	Principle of development addressed in section 8.2 to 8.5 of this report.
<i>Design and appearance</i>	
Out of keeping with the surrounding area	Addressed in section 8.6 to 8.9 of this report.
<i>Amenity</i>	
Loss of light	Addressed in section 8.12 to 8.16 of this report.
Overlooking	Addressed in section 8.12 to 8.16 of this report.
<i>Highways</i>	
Traffic	Addressed in section 8.17 to 8.20 of this report.
Detrimental to Highway Safety	Addressed in section 8.17 to 8.20 of this report.

6.4 Councillor Simon Hoar [objecting and referred the application] has made the following representations:

- Overdevelopment of site
- Loss of privacy to neighbouring residents
- Damage and further risk to protected trees

## **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 2018 (CLP) and the South London Waste Plan 2012.

7.2 Government Guidance is contained in the National Planning Policy Framework (NPPF), issued in July 2018. 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 2018 (CLP 2018):

- SP2: Homes
- SP4: Urban Design and Local Character
- SP5: Community Facilities
- SP6: Environment and Climate Change
- SP7: Green Grid
- SP8: Transport and Communication
- DM1 on Housing choice for sustainable communities
- DM10 on Design and character
- DM13 on Refuse and recycling
- DM16 on Promoting healthy communities
- DM19 on Promoting and protecting healthy communities
- DM23 on Development and construction
- DM24 on Land Contamination
- DM25 on Sustainable Drainage Systems and Flood Risk
- DM26 on Metropolitan Green Belt and Metropolitan Open Land
- DM27 Biodiversity
- DM28 on Trees
- DM29 on Promoting sustainable travel and reducing congestion

- DM30 on Car and cycle parking in new development

Supplementary Planning Guidance as follows:

- Technical Housing Standards – Nationally Described Space Standards

## **8 MATERIAL PLANNING CONSIDERATIONS**

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

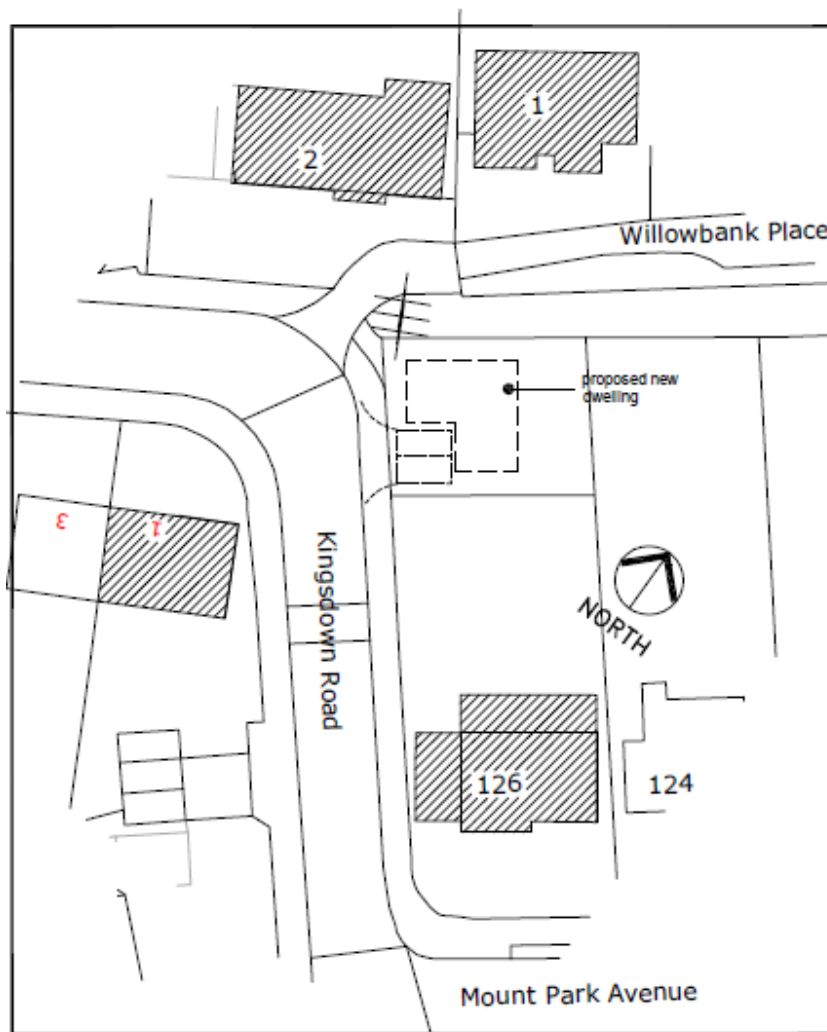
- Principle of development
- Townscape and visual impact
- Housing quality for future occupiers
- Residential amenity for neighbours
- Transport
- Sustainability
- Trees

### **Principle of development**

8.2 Given the residential nature of the surrounding area, the principle of the redevelopment for a residential property can be supported. The development would provide an additional family home in an established residential area. Moreover, planning permission has recently and historically granted for a detached bungalow on the site, with parking at the front, therefore the principle of a residential development on the site has been established.

8.3 Policy DM10.4 states “In the case of development in the grounds of an existing building which is retained, a minimum length of 10m and no less than half or 200m<sup>2</sup> (whichever is the smaller) of the existing garden area is retained for the host property, after the subdivision of the garden”.

8.4 It is considered that this Policy is not directly applicable, as the plot has been subdivided historically and is currently a stand-alone plot. Notwithstanding the above, the plot originally formed part of the garden of 126 Mount Park Avenue. Prior to subdivision, the rear garden of 126 Mount Park Avenue had a depth of 31 metres and measured 573 square metres. The resultant depth, as existing, is 18 metres deep, and measures 366 square metres. Thus, the host property’s garden adequately serves the inhabitants of the host property.

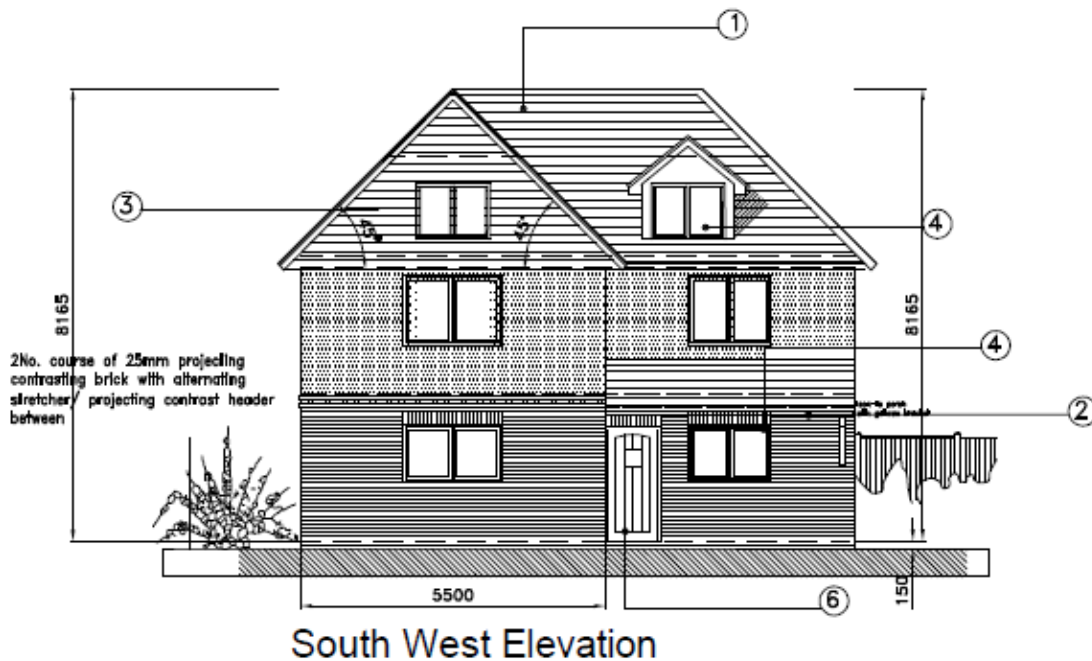


8.5 Overall the proposal is considered acceptable and in compliance with Policy DM10 of the Croydon Local Plan 2018 and so the principle is supported.

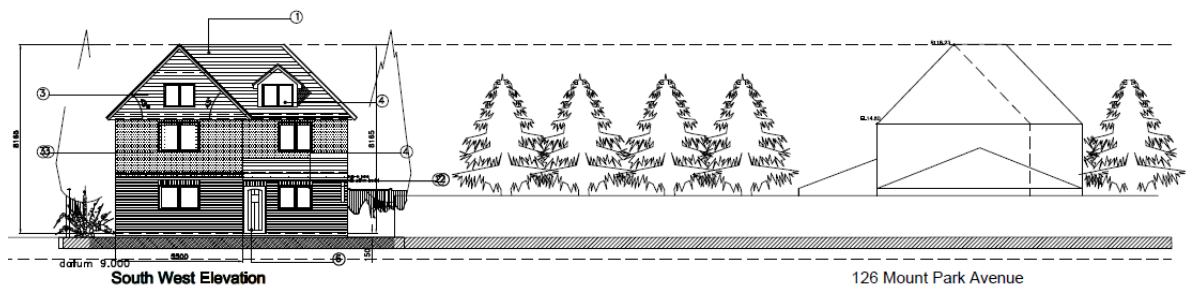
**Townscape and visual impact**

8.6 Policy DM10.1 requires residential development proposals to be of high quality, whilst seeking to achieve a minimum height of 3 storeys. The proposed development would provide two-stories with accommodation in the roofspace, totalling three floors of habitable accommodation. The prevalent height and scale of the properties in the vicinity is two-stories, therefore the proposed development would respect the scale, height and massing in the local area. As such this would meet the requirements of Policy DM10.1.





- 8.7 The development pattern and layout and siting would respect the urban grain within the immediate and wider locality, which varies substantially in terms of plot depths and widths, and footprints. Although it is observed that the depth of the proposed rear garden would be smaller than the majority of surrounding properties, however this would not appear evident within the streetscene. The property would appear well separated from the host property and Willowbank Place which is generally two storey albeit with a bungalow being one of the nearer properties.
- 8.8 The property includes a front stagger, projecting gable feature, a small front and rear dormer window which provide an element of articulation to the property and visual interest. The proposed material palette would ensure the development responds to the surrounding locality coherently, through the provision of traditional materials utilised in the local area. The submission indicates a 1.9m close boarded fence to the front of the site. It is considered that a lower boundary treatment, including soft landscaping, would be more appropriate and can be secured by condition.
- 8.9 Overall, it is considered that the property would reflect the urban grain, architectural integrity and streetscene within Mount Park Avenue, Willowbank Place and Kingsdown Road. The overall scale, height and massing is considered appropriate in respect of the above policies and is considered to be in keeping with the character and appearance of the surrounding area. Permitted development rights are recommended to be removed by condition to prevent the property being extended without prior approval from the local planning authority.



## Streetscene

### Housing quality for future occupiers

- 8.10 The proposal would comply with internal dimensions and minimum GIA required by the Nationally Described Space Standards, for a 4 bedroom, 7 persons dwelling over 3 floors providing circa 210 square metres of Gross Internal Floor Area; in excess of the minimum space requirement of 127 sqm. The house would be dual aspect with adequate outlook. The ground floor forward facing living space would have adequate privacy being well separated from the street and with adequate space for planting, secured by condition. In terms of layout the proposed unit is considered acceptable to the amenities of any future occupiers providing high quality living accommodation which is significantly above the minimum housing standards for a unit of this size.
- 8.11 The London Housing Supplementary Planning Guidance (SPG) sets out that a minimum of 5 square metres of external amenity space be provided for a 1-2 person dwelling, with 1 additional square metres for every additional occupant. It is considered that the proposed four bedroom house would be capable of providing accommodation for approximately 7 persons, therefore in this regard the development would be expected to provide 10 square metres of private amenity space. The proposed amenity provision well exceeds the minimum requirements providing 85 square metres of amenity space, at a depth of 6.75 metres, which would provide sufficient amenity provision for future occupiers.

### Residential amenity for neighbours

- 8.12 The site is bound to the North by Willowbank Place highway, beyond which is 1 Willowbank Place. The front elevation of 1 Willowbank Place would be 16.5 metres away from the side flank wall of the proposed development. This separation distance is considered appropriate to prevent any loss of privacy, overlooking or visual intrusion to the inhabitants of 1 Willowbank Place, with side facing windows being obscure glazed or high level.
- 8.13 To the south of the site is the garden of 126 Mount Park Avenue. The nearest proposed side flank wall would be situated 19 metres away from the rear elevation. The flank wall would be 2.04 metres away from the shared boundary. There are no windows at ground floor level on this elevation, and at first floor a high level

window is proposed. This window is a secondary window to a bedroom. It is considered that the separation distance, siting of the proposed development and location and type of fenestration would prevent any undue overlooking, loss of outlook or visual intrusion into the garden or habitable room windows of 126 Mount Park Avenue.

- 8.14 The Eastern boundary of the site abuts the rear most part of No.124 Mount Park Avenue's rear garden. The nearest proposed flank wall would be 6 metres away from the shared boundary of 124 Mount Park Avenue; and approximately 25 metres away from the existing habitable room windows on the main house. The proposed windows at ground floor would be screened by the proposed boundary treatment. At first floor, the proposed windows would be high level (serving 1 x bathroom window and 1 x secondary bedroom window), and at second floor level, the proposed dormer window would serve a staircase and landing area. Again, it is considered that the separation distance, siting of the proposed development and location and type of fenestration would prevent any undue overlooking, loss of outlook or visual intrusion into the garden or habitable room windows of 124 Mount Park Avenue.
- 8.15 It is considered that the proposed separation distances afforded and siting of fenestration would be adequate to avoid any loss of amenity, in terms of a loss of outlook, visual intrusion, overlooking, loss of daylight or loss of sunlight.
- 8.16 Overall, the development is considered to be in accordance with the relevant policies and would not result in unacceptable harm to the residential amenities of the surrounding occupiers.

### **Transport**

- 8.17 The site has a PTAL rating of 1b which indicates poor accessibility to public transport and 2 parking spaces are proposed on site.
- 8.18 The proposed development includes a vehicular access and hardstanding area at the front of the site which would allow an acceptable level of parking for a four bedroom dwelling in an area with uncontrolled parking. The parking would be in keeping with The London Plan maximum parking standards and would not be dissimilar to parking provision and layout in the immediate vicinity. As the development is relatively small scale, its impact upon highway safety is considered to be negligible. Details of sight lines and visibility splays will be duly conditioned.
- 8.19 The proposal included cycle storage capable of storing 2 cycle spaces, at the side/rear of the property, adjacent to the rear garden. Details of this have been secured by condition.
- 8.20 A refuse storage area is proposed at the front of the property. This will be duly conditioned to ensure that it is adequately screened as no details have been provided.

### **Sustainability**

- 8.21 A condition is attached requiring the applicant to achieve a 19% reduction in CO2 emissions while ensuring that water consumption does not exceed 110L per head per day.

### **Flood Risk**

- 8.22 The site is noted to be in a Critical Drainage Area at risk of flooding from surface water. The applicant has proposed permeable materials and soft landscaping which are considered appropriate to mitigate the potential flood risk on site. These measures would again be conditioned accordingly.

### **Trees**

- 8.23 A protected tree was previously removed on the site (TPO 18, 1998) due to its poor condition. A replacement tree has been proposed in the North-Eastern part of the site as shown in the proposed plan. The applicant does not seek to remove any trees to facilitate the development. In this regard no aboricultural objections are raised. The applicant seeks to plant shrubs around the boundary of the site to increase screening.

A landscaping scheme would be duly conditioned to ensure that the landscaping and tree replacement provisions are adequate. The introduction of soft landscaping to the front of the site would improve the appearance of the proposal from the street and can be secured by condition.

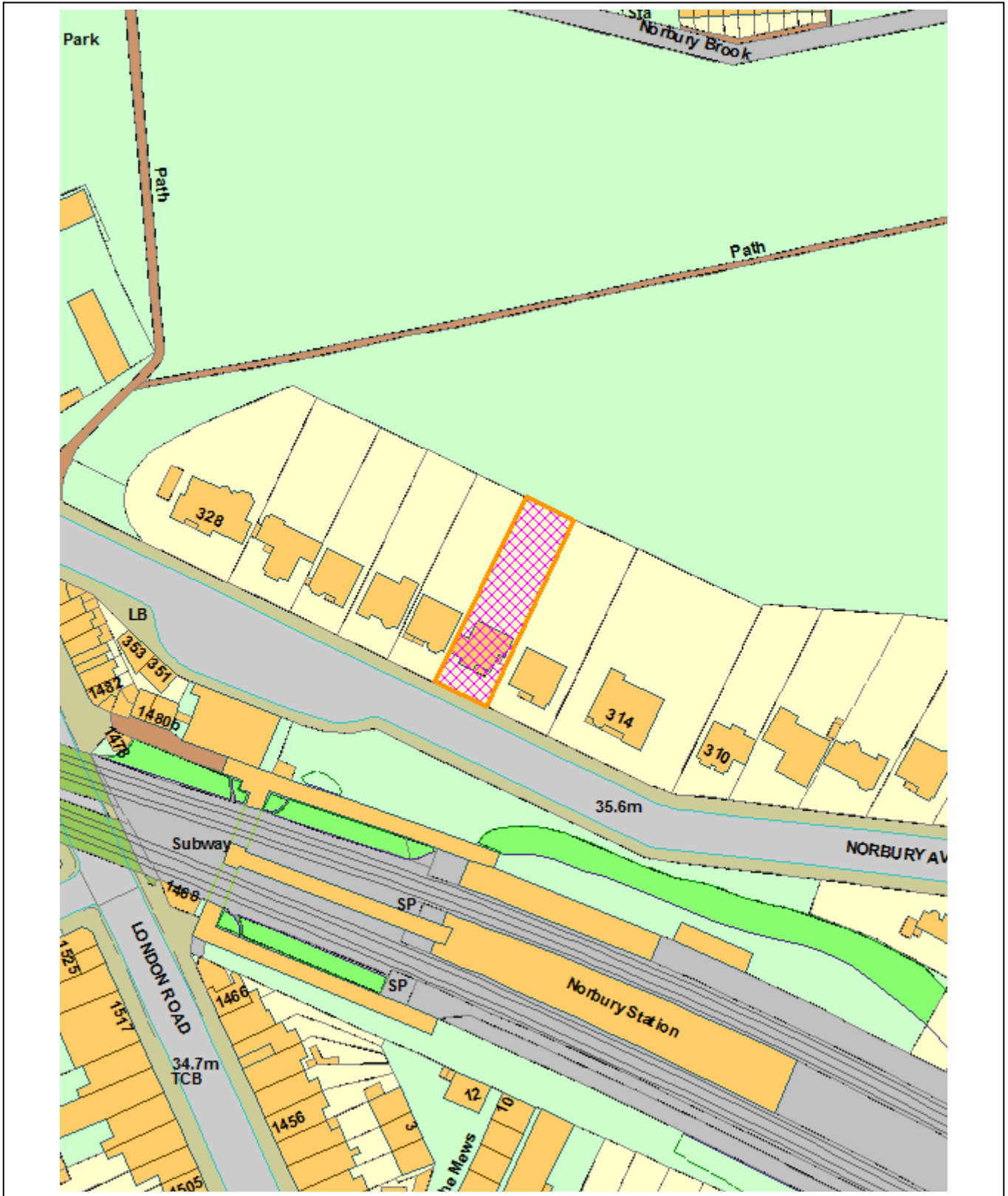
- 8.24 Should the applicant be granted planning permission, the applicant will be expected to adhere to the Council code of construction in regards to working practices and hours of work. It is considered in this case, conditioning a constructions logistics plan would not be necessary or reasonable and is therefore not recommended to be added as such.

### **Conclusions**

- 8.25 The proposal would result in the redevelopment of an existing site to provide a high quality home. The development would be in keeping with the character of the area and would not have a significant impact on the amenities of adjoining occupiers. The details relating to the landscaping, cycle and bin storage can be secured by condition.

### **All Other Matters**

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



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**PART 5: Planning Applications for Decision****Item 5.3**

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**1 SUMMARY OF APPLICATION DETAILS**

Ref: 18/05962/HSE  
Location: 318 Norbury Avenue, Norbury, London, SW16 3RL  
Ward: Norbury Park  
Description: Erection of a single storey rear extension  
Drawing Nos: 18104/A11, 18104/A12, 18104/A21, 18104/A22, 18104/A23,  
18104/A13  
Applicant: Mr Sajid Ismail  
Agent: Mr Trevor Mullineaux KLF Structural Design Ltd  
Case Officer: Roberta Henriques

- 1.1 This application is being reported to Planning Committee because the Love Norbury Planning Committee made representations in accordance with the Committee Consideration Criteria and requested committee consideration.

**2 RECOMMENDATION**

- 2.1 That the Planning Committee resolve to GRANT planning permission.
- 2.2 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 development shall be retained entirely in accordance with the submitted plans and documents
- 2) The roof of the extension is not to be used as a balcony.
- 3) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport.

**3 PROPOSAL AND LOCATION DETAILS****Proposal**

- 3.1 This is a retrospective householder application for the erection of a single storey rear extension.
- 3.2 The extension is 5 metres in length from the original rear wall of the property and is 2.95 metres in height. 318 Norbury Avenue has a 1 metre separation distance from its adjoining occupiers flank walls at 316 and 320 Norbury Avenue. The extension is set in from the side boundaries of the site, by 3.08 metres from the boundary with 316 Norbury Avenue and by 2.85 metres from the boundary with 320 Norbury Avenue.

## Site and Surroundings

- 3.3 The application site is occupied by a two storey, detached, single family dwellinghouse. It has a dropped kerb with a vehicle access off Norbury Avenue. The roof of the dwelling has recently been extended by the applicant by utilising their permitted development rights. The house is opposite Norbury Train Station and is surrounded by other two storey, detached houses.

## Planning History

- 3.4 None.

## 4 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 4.1 There would be minimal changes visible from the street scene which are considered acceptable
- 4.2 The scale and design of the development is appropriate
- 4.3 There would be no undue harm to the amenity of the occupiers of neighbouring properties, given the location and separation distances between the extension and surrounding properties

## 5 CONSULTATION RESPONSE

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

## 6 LOCAL REPRESENTATION

- 6.1 A total of 3 neighbouring properties were notified about the application and invited to comment. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 3 Objecting: 3 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:

<b>Summary of objections</b>	<b>Response</b>
<b><i>Impact on adjoining occupiers</i></b>	
The conversion is intrusive	The single storey rear extension is set in from the boundaries of the neighbouring properties thereby reducing its impact. This limits the impact of the side facing windows on the extension, which are also mitigated by the existing boundary treatment.
<b><i>Disruption</i></b>	



Extreme dust, noise dirt and rubbish	This is a retrospective application and therefore as no further works are required to this proposal, there are no further concerns regarding pollution impacts from construction. These impacts are also controllable under other legislation outside of the planning system.
<b><i>Visual Impact</i></b>	
Not in keeping with the area.	The rear extension is located at the back of the dwelling house, so does not impact the character of the street scene
Obtrusive by design	The rear extension is single storey, meaning it is subordinate to the main dwelling house
Overdevelopment	Officers consider that the single storey extension does not result in the overdevelopment impact.

## **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 2018 and the South London Waste Plan 2012.

7.2 Government Guidance is contained in the National Planning Policy Framework (NPPF), issued in July 2018. 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:

- Promoting healthy and safe communities
- Making effective use of land
- Achieving well designed places

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

7.4 Croydon Local Plan: 2018 (CLP2018):

- DM10.6 Protection to neighbouring amenity.

## **8 MATERIAL PLANNING CONSIDERATIONS**

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

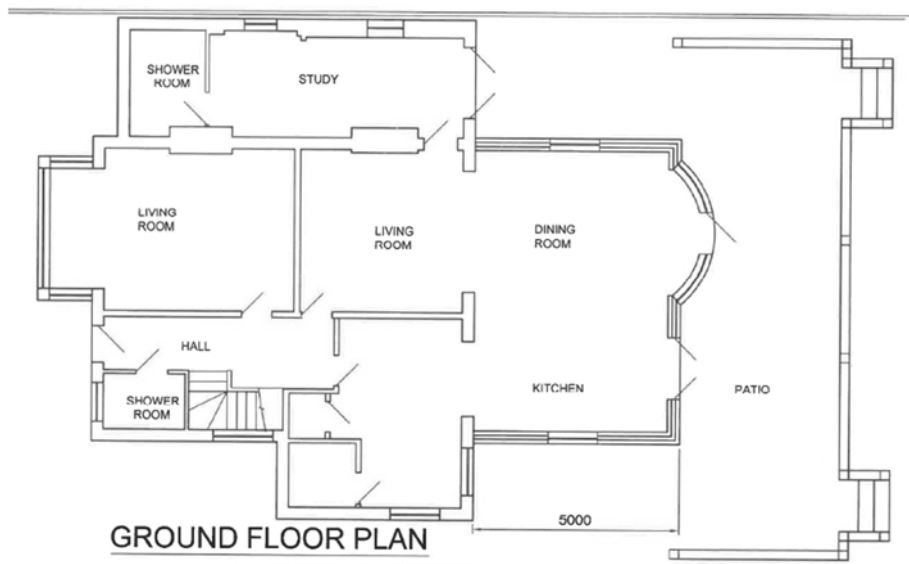
1. The impact on the visual amenity of the area
2. The impact on the amenity of adjoining occupiers

## The impact on the visual amenity of the area

- 8.2 The single storey extension is located to the rear of the dwelling house, so is not visible from within the street scene. This results in there being no adverse impact on the character and appearance of the area, thereby complying with Policy DM10.7 of the Croydon Local Plan 2018 (CLP 2018). The roof light of the extension protrudes slightly by 0.5m at highest point, and is hidden by the main dwelling house. This is acceptable. The extension is considered to be an appropriate addition to the property and would not have a detrimental impact on the character of the area.
- 8.3 The extension has been constructed in materials that match the dwelling house, as the painted render and fenestration match that of the existing building. This gives the extension a high quality appearance, which respects the character of the original building in accordance with Policy DM10.7 of the Croydon Local Plan 2018.

## The impact on the amenity of adjoining occupiers

- 8.4 Concern has been raised by local residents that the proposal would be detrimental to their amenity. However, these concerns must be assessed in the context of whether or not the concerns are justified and whether or not the proposal will cause harm to residential amenity.
- 8.5 In terms of noise and disturbance, the property remains a single family dwelling as previously and it is considered that there would not be a significant increase in noise and disturbance. The extension is well separated from the boundaries and therefore there would be a minimal noise impact. Given that this is a retrospective application and requires no further building works, little weight is given in this consideration to noise and disturbance from construction activities.



- 8.6 Relating to visual intrusion, it is acknowledged that the two side facing windows are a potential concern to neighbours. However the dwelling house is a detached property, with the extension set away from the boundary, meaning that there is a significant distance separating it from its neighbours. The existing boundary treatment on the side boundaries would also act as a barrier to mitigate any potential for overlooking or loss of privacy

## **Conclusions**

- 8.7 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above.
- 8.8 The details of the decision are set out in the RECOMMENDATION.

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**PART 5: Planning Applications for Decision**

**Item 5.4**

**1 SUMMARY OF APPLICATION DETAILS**

Ref: 18/03254/FUL  
 Location: Garage Block Adjoining 24 Balfour Road, South Norwood, SE25 5JY  
 Ward: Woodside  
 Description: Demolition of existing garages, erection of two bedroom detached house  
 Drawing Nos: P2.3085.GA.PS.100, P2.3085.GA.PS.200 Rev A, P2.3085.GA.PS.201, P2.3085.GA.PS.202 and P2.3085.OS.PS.001  
 Applicant: Mr & Mrs C & M Martell  
 Agent: Ms N O’Neil, Stijl town Planning  
 Case Officer: Mr White

	1 bed	2 bed	3 bed	4 bed
<b>Houses</b>		1		
<b>Flats</b>				
<b>Totals</b>		1		

Number of car parking spaces	Number of cycle parking spaces
0	2

1.1 This application is being reported to Planning Sub-Committee because objections above the threshold in the Committee Consideration Criteria have been received.

**2 RECOMMENDATION**

2.1 That the Planning Committee resolve to GRANT planning permission.

2.2 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) Materials (including samples)
- 2) Details regarding landscaping, refuse/cycle storage, boundary treatment, solar panels and sedum roofs (including maintenance)
- 3) Restrict use of the roof
- 4) Restrict enlargement without permission
- 5) Existing access to be closed
- 6) Water consumption limit
- 7) Carbon emission reduction
- 8) Contamination report / relevant mitigation
- 9) Drainage scheme
- 10) In accordance with drawings
- 11) Commencement time limit
- 12) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport, and

## Informatives

- 1) CIL
- 2) Thames Water asset nearby
- 3) Croydon Code of Construction
- 4) Party Wall
- 5) Any other informative(s) considered necessary by the Director of Planning

## 3 PROPOSAL AND LOCATION DETAILS

### Proposal

- 3.1 The scheme proposes the demolition of the existing building and the erection of a 2 bed house, with the lower floor at basement level.

### Site and Surroundings

- 3.2 The site is almost a rectangular shaped parcel of land located to the north east of No.24 Balfour Road and to the rear of numbers 24 and 26 Stanger Road.
- 3.3 The site is currently occupied by a single storey garage block comprising two spaces. The garage is in a poor state of repair. Vehicular access is from Balfour Road. The site also includes a strip of land (adjacent to No.24 Balfour Road) which leads from the Balfour Road to end of the rear garden serving No.22 Stanger Road.
- 3.4 The site is relatively flat and bordered to the side and rear by close-boarded wooden fencing. There is hardstanding to the front of the garages and overgrown vegetation to the rear and south east side.
- 3.5 The site is surrounded by two-storey semi-detached and terraced buildings, many converted into flats, with rear gardens ranging from 8m to 16m in depth. The properties display a mix of gable-end and hipped roof forms. The surrounding area is wholly residential in character.

### Planning History

- 3.6 The following planning decisions are relevant to the application:

12/01976/P - Demolition of existing garages; erection of detached two bedroom house and provision of associated parking.  
**Refused** on the 10.09.2012 on the grounds of inadequate floor areas (5 sq m below prescribed standard).

13/00653/P - Demolition of existing garages; erection of a two bedroom detached house; provision of associated parking.  
**Refused** on the 17.05.2013 for the following reason;

1.The proposal would result in an overdevelopment of the site out of keeping with the character of the area and detrimental to the appearance of the street scene, by reason of poor design, lack of amenity space and an adverse impact on adjoining occupiers by reason of dominance and overshadowing; the development would thereby conflict with Policies 7.4 and 7.6 of the London Plan 2011, Policy SP4.1 of the Croydon Local Plan: Strategic Policies and Policies UD2, UD3, UD8 and H2 of the Croydon



Replacement Unitary Development Plan (The Croydon Plan) 2006 Saved Policies.

This decision was appealed and dismissed by PINS on the 3.12.2013.

14/02268/P - Demolition of existing garages; erection of one bedroom detached chalet bungalow and provision of associated parking.

**Refused** on the 18.08.2014 for the following reasons;

1.The proposal would result in an overdevelopment of the site out of keeping with the character of the area and detrimental to the appearance of the street scene, by reason of poor design, lack of amenity space and an adverse impact on adjoining occupiers by reason of dominance and overshadowing; the development would thereby conflict with Policies 7.4 and 7.6 of the London Plan 2011, Policy SP4.1 of the Croydon Local Plan: Strategic Policies and Policies UD2, UD3, UD8 and H2 of the Croydon Replacement Unitary Development Plan (The Croydon Plan) 2006 Saved Policies.

2.The development would result in sub-standard accommodation by reason of inadequate floor areas and would thereby conflict with Policies 3.5B&C of the London Plan (July 2011), Croydon Local Plan - Strategic Policies Policy SP2.6 and the Housing Supplementary Planning Guidance (November 2012)

#### **4 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- The principle of residential development on the site is acceptable given the established residential character of the area.
- The scale and design of the development is appropriate.
- There would be no significant harm to neighbours' living conditions.
- The living standards of future occupiers would be acceptable and compliant with the Nationally Described Space Standards and the London Plan.
- The impact upon highway safety and efficiency is acceptable.
- Environmental impacts are satisfactory.
- Sustainability aspects of the development can be controlled by planning condition.

#### **5 CONSULTATION RESPONSE**

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

#### **6 LOCAL REPRESENTATION**

6.1 9 letters were sent to adjoining occupiers. 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: 15      Objecting: 14      Supporting: 1

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:

<b>Summary of objections</b>	<b>Response</b>
<i>Principal</i>	
Housing not needed in the area	The site is located in an area suitable for new housing.
<i>Townscape</i>	
<ul style="list-style-type: none"> <li>• Obtrusive by design / Not in keeping with the area / Out of character / Overdevelopment</li> </ul>	See paragraphs 8.6-8.8
<i>Neighbouring amenity</i>	
<ul style="list-style-type: none"> <li>• Overlooking</li> <li>• Noise/Disruption during construction</li> </ul>	See paragraph 8.10 See paragraph 8.11
<i>Quality of accommodation</i>	
<ul style="list-style-type: none"> <li>• Amenity and light for house poor</li> </ul>	See paragraph 8.12
<i>Highways</i>	
<ul style="list-style-type: none"> <li>• Parking and traffic impacts</li> </ul>	The development would not significantly alter the safety and efficiency of the surrounding highways network. Paragraph 8.14 expands on this.
<i>Environment</i>	
<ul style="list-style-type: none"> <li>• Some neighbours have suffered flooding – this will increase it</li> <li>• Habitat for wildlife destroyed and impact on trees</li> </ul>	See paragraph 8.17  See paragraph 8.19
<i>Non-material issues</i>	
<ul style="list-style-type: none"> <li>• Potential damage to boundary fence possibility of any damage caused to neighbour properties due to excavation/construction. Owners should be liable for any damage caused</li> </ul>	These are civil matters and covered by separate legislation. See paragraph 8.17
<b>Summary of support</b>	<b>Response</b>
<ul style="list-style-type: none"> <li>• Clean up area</li> <li>• Provide housing</li> </ul>	

## 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 2018 (CLP) and the South London Waste Plan 2012.

7.2 Government Guidance is contained in the revised National Planning Policy Framework (NPPF), issued in July 2018. 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, including requiring good design that takes 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:

7.4 Consolidated London Plan 2015 (LP):

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.13 Sustainable drainage
- 6.9 Cycling
- 6.11 Smoothing traffic flow and tackling congestion
- 6.13 Parking
- 7.4 Local character
- 7.6 Architecture

7.5 Croydon Local Plan 2018 (CLP)

- SP2 Homes
- SP2.7 Mix of Homes by Size
- SP2.8 Quality and Standards
- SP4 Urban Design and Local Character
- DM10 Design and character
- DM13 Refuse and recycling
- SP6 Environment and Climate Change
- SP6.3 Sustainable Design and Construction
- DM23 Development and construction
- DM24 Land contamination
- DM25 Sustainable Drainage Systems and Reducing Flood Risk
- DM27 Protecting and enhancing our biodiversity
- DM28 Trees
- SP8 Transport and Communication
- DM29 Promoting sustainable travel and reducing congestion
- DM30 Car and cycle parking in new development

## **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
3. The impact on adjacent occupiers
4. Quality of accommodation for future occupiers
5. Transport
6. Sustainability, Energy, and Environment

### **Principle of development**

8.2 The Council's housing policies seek to maximise the re-use of previously developed land and buildings. Although the new dwelling would not assist the strategic target for 30% of all new homes in the borough to be 3 beds, housing policies also require a balance to be struck between developing land for more efficient housing use and protecting residential amenity. Given this the proposal is acceptable and would still assist in meeting overall housing targets and is therefore acceptable in principle.

### **Townscape**

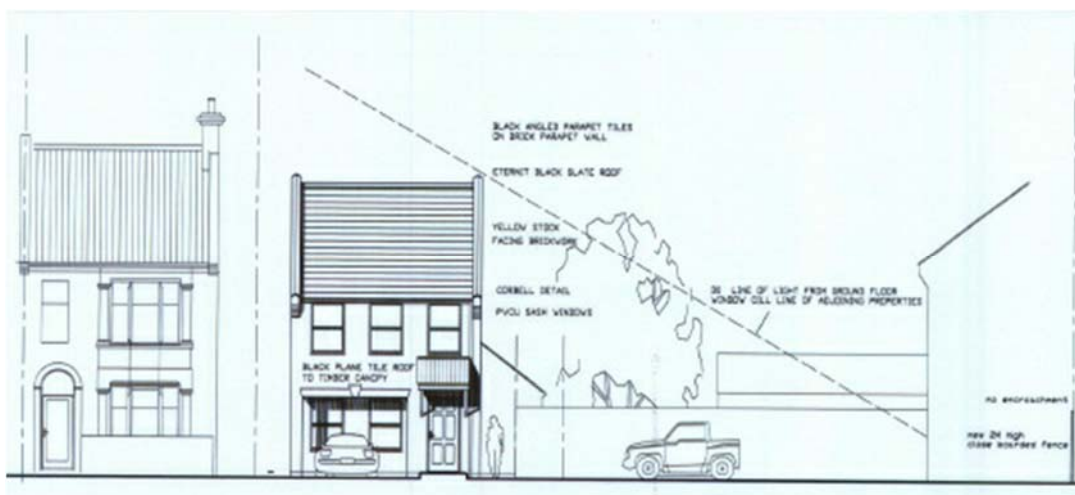
8.3 The proposed scheme is markedly different to the previously refused schemes. Although accommodation remains over two floors, one of the levels is below ground, the building also has a contemporary appearance.

8.4 Both the two previous refused applications had a townscape based reason for refusal. In addition the Inspectors comments from the appeal decision are also relevant. There are a number of pertinent points raised on the appeal decision notice that are relevant to any future application as they focus on both the importance of the site and scheme that is still relevant. They are as follows;

- Paragraph 3. 'The instances of wider spacing between properties and the generous rear gardens assume a significant role in defining the attractive residential character of the area.'
- Paragraph 4. 'the site creates an important break between the side wall of No. 24 and the rear gardens and elevations to Nos. 24 and 26 Stanger Road.'
- Paragraph 5. 'The garage block occupies most of the appeal site frontage, but only at a low level; therefore, along with the rear gardens of the Stanger Road terrace the appeal site provides an important sense of openness at higher level between No. 24 Balfour Road and the terrace....When viewed from the street the two storey element would unreasonably reduce the open aspect across the gap between the properties. This would seriously harm the character and appearance of the street scene.'

- Paragraph 7. 'The proposed amenity space would not be visible from the street scene, nevertheless it would be significantly smaller than nearby rear gardens. Whilst the space would be adequate for the level of accommodation proposed, the fact that such a locally uncharacteristic small area of amenity space is proposed is indicative of the cramped development proposed for the site.'
- Paragraph 9. 'positive elements of the scheme do not outweigh the fact that the building would be significantly lower at both ridge and eaves level relative to the substantial scale of nearby properties. It would also incorporate inappropriate design elements including an uncharacteristic partially recessed ground floor frontage, relatively small scale window proportions, and the use of an inappropriate door canopy. The building would therefore appear as an incongruous and squat structure in an otherwise attractive and harmonious street scene.'

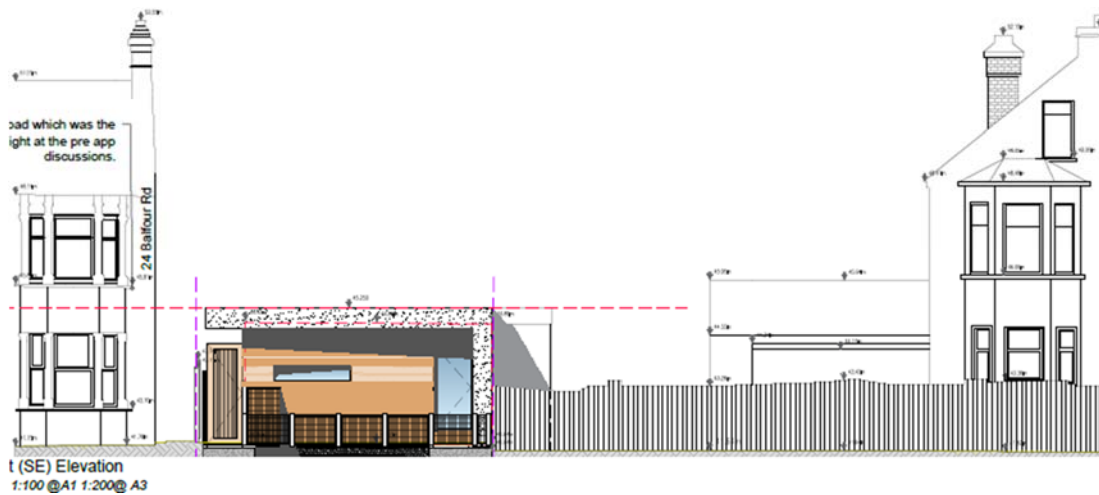
8.5 The first application, 13/00653/P, was for a two storey house (see below)



and the second, 14/02268/P, for a chalet style house (see below)



8.6 The current submission is unashamedly contemporary and only the ground floor level would be readily visible from the public realm and neighbouring buildings.



- 8.7 This innovative and original design provides a unique solution that responds to the context of the site through contemporary use. The modern design and very unobtrusive height are acceptable and would overcome points raised by the Inspector in paragraphs 3, 4 and 5. The frontage is sufficiently active, and a vast improvement on the current arrangement. The success of such a proposal would partly rest on the building being constructed of highly quality robust materials, which could be secured by condition.
- 8.8 In terms of outdoor amenity space the Inspector was clear in that whilst the outdoor space may be adequate for the needs of occupiers it reflected an overly cramped development. In this case the outdoor amenity space is split across 3 locations and would be adequate for a future occupier, albeit not fit in with the prevailing form. However, whereas the previous decided cases were of a design that tried to copy surrounding development (eg. traditional appearance, two storeys with garden to the rear), the current proposal has been designed so that it is an innovative solution and therefore the split outdoor space is sufficiently unique that it is not required to follow the norm and as such acceptable in the locality.
- 8.9 A further crucial change since the previous decisions is the adoption of the Croydon Local Plan (Feb 2018) which sets out a housing target for the borough of 32,890 new homes by 2036. 10,000 of these are anticipated to be provided on windfall sites such as the subject plot. It is also important to recognise that such figures are expressed as a minimum to be exceeded where possible. It is insufficient just to meet the target figure and therefore, all proposals for new housing which would contribute to the annual average target being augmented should be given credit for the contribution which they will make towards housing land supply. The weight afforded to the provision of an additional dwelling and optimising a redundant brownfield site is considered to be greater than the impact of the open space provided in the context of being in keeping with the local frame of reference.

### **The impact on adjacent occupiers**

- 8.10 When deciding the 13/00653/P application the Inspector concluded that 'harm would be caused to the living conditions of the occupiers of Nos. 24 and 26 Stanger Road through unreasonable loss of sunlight to and outlook from their gardens.' The 14/042268/P application was reduced in scale, but also refused on neighbouring impact due to the above ground floor level massing. The current proposal is lower in height and would not extend above single storey from ground level and therefore not detrimental to neighbouring light, outlook or privacy.

- 8.11 The completed development would not result in any significant noise or disturbance impact to adjacent occupiers. Whilst they may be some potential disturbance during construction works this would only be for a temporary period of time and not sufficient to warrant a refusal reason. The Council does have a 'Code of Practice on the Control of Noise and Pollution from Construction Sites' and it is recommended that this is brought to the attention of the applicant by way of informative.

### **Quality of accommodation for future occupiers**

- 8.12 There is a requirement of 79 sq m for a 2 bed 4 person duplex building and 5 sq m of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sq m should be provided for each additional occupant. With an internal floor area of 130sq m (as defined within the D&A and cross referenced with plans) and one of the outdoor spaces (ground floor rear) measuring 11.5 sqm, both these requirements are met. The house has been designed so that the bedrooms, which rely less on the need for light, are located at the lower level and the main large lounge is at ground floor. This layout and the large lightwells to the front and rear would result in a building that provide sufficient levels of light and outlook to the occupiers.

### **Transport**

- 8.13 The site currently comprises a twin bay garage, with hardstanding to the front, which is presently used for parking, sufficient for two vehicles.
- 8.14 The demolition of these garages and introduction of the house would result in a decrease of parking spaces, however, the site is within a PTAL 5 and is well located for Norwood junction and all the facilities offered by South Norwood District Centre. Accordingly there is no objection to a car free development, providing the existing vehicle crossover is reinstated, which can be secured by condition.
- 8.15 A covered secure cycle store would be required for 2 cycles. Space has been made to the rear which could provide for adequate storage, further details of which can be secured by condition. Refuse storage is shown covered to the front, which is acceptable and can also be secured by condition.

### **Sustainability, Energy, and Environment**

- 8.16 A new build residential dwelling is required to achieve a 19% reduction in CO2 emissions produced by the development (beyond the 2013 Building Regulations) and a water use target of 110 litres per head per day, both of which can be secured by condition.
- 8.17 Representations received have referred to flooding within their basement, however, the site is not within a Flood Zone nor at risk of surface water flooding. As a result, no Flood Risk Assessment would be required for this development. The issue of basement flooding in nearby properties was addressed by the planning inspector in the appeal decision 13/00653/P who considered that surface and foul drainage could be controlled by planning condition and as such is recommended in this case. Notwithstanding the above, a subterranean structural statement has been submitted and reviewed by the Council Building Control team, who state that the report and method statement is reasonable. They also highlight that the relationship with the adjacent foundation, although dealt with by building regulations, will also be considered under the Party Wall agreement. In addition there is a 150mm Thames Water foul

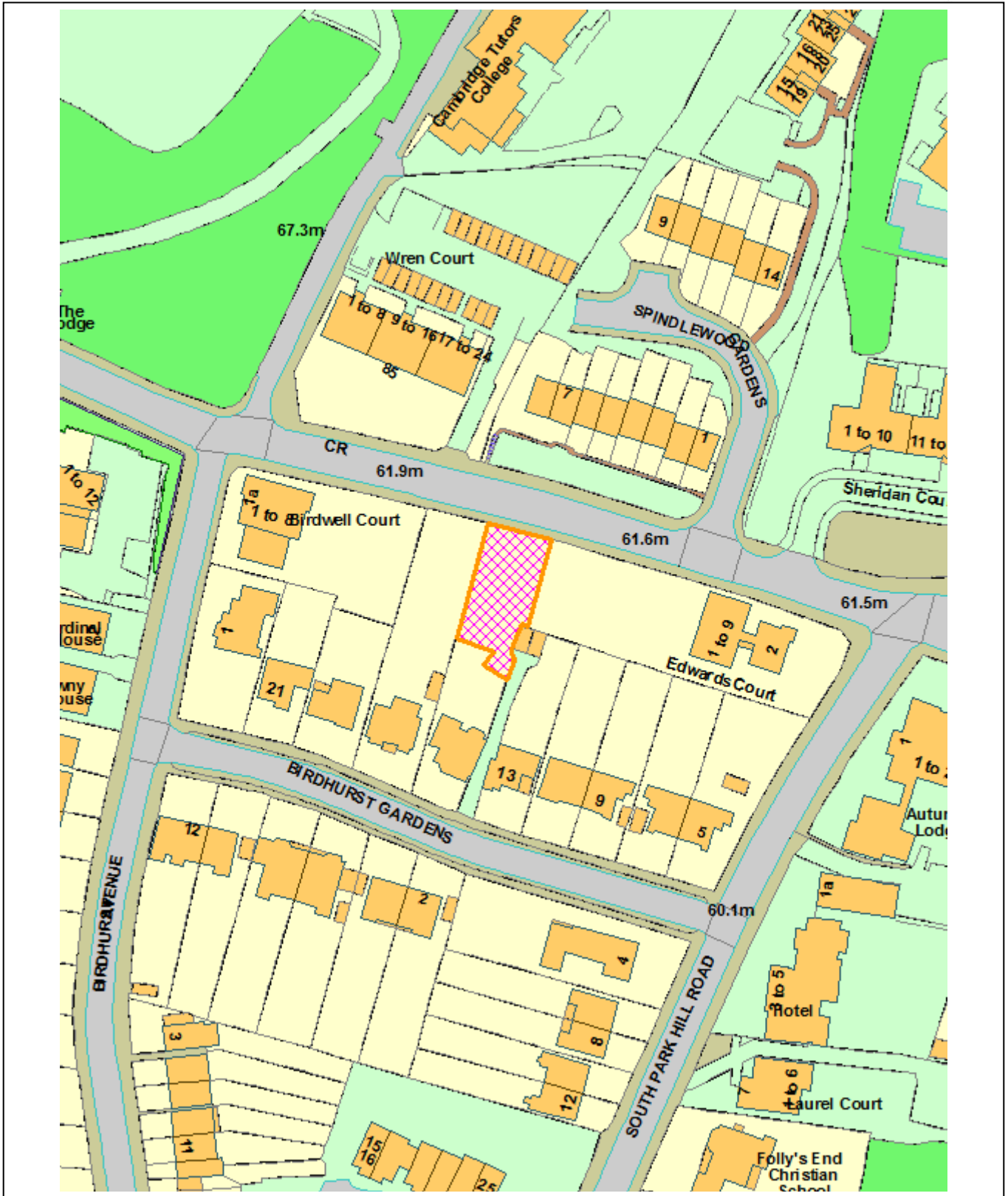
sewer on or about the boundary with No.24 and a build over agreement will be necessary with Thames Water. It should be noted that temporary support and construction methods employed by the developer are influenced and governed by separate legislation e.g. Party Wall Act, Construction Design and Management regulations and civil law.

- 8.18 Given the use of the site it is recommended that a desk top contamination assessment is secured to establish the presence or otherwise of contamination onsite. A condition can secure further investigation / mitigation works should the presence of contamination be likely.
- 8.19 The site is not in or near a site of nature conservation importance, and predominantly covered in hard standing, given this there is no anticipated harm to flora, fauna or trees, as was the case on the previous applications.

### **Conclusions**

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





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**PART 5: Planning Applications for Decision****Item 5.5**

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**1 SUMMARY OF APPLICATION DETAILS**

Ref: 18/03002/FUL  
Location: The rear of 15 Birdhurst Gardens, South Croydon  
Ward: South Croydon  
Description: Alterations including alterations to land levels, erection of three storey 5 bedroom house with steps, erection of pergola and bicycle storage at rear and provision of 2 parking spaces  
Drawing Nos: 18.09-P-2, 18.09-P-3, 18.09-LS-1A (received 21.01.2019), 18.09-LS-2A, 18.09-P-5A, 18.09-TC-1A (Turning Circle), Site Plan (18.09-1250C), Block Plan (18.09-P-7C) received 21.01.2019, Design and Access Statement, Flood Risk Assessment  
Applicant: Mr Shah  
Agent: Mr Peter Hutchinson  
Case Officer: Hayley Crabb

- 1.1 This application is being reported to Committee because the Ward Councillor (Cllr Michael Neal) has made representation in accordance with the Committee Consideration Criteria and requested committee consideration.

**2 RECOMMENDATION**

- 2.1 That the Committee resolve to GRANT planning permission.
- 2.2 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) Development to be carried out in accordance with the approved drawings and reports except where specified by conditions
- 2) Materials to be submitted with samples
- 3) Car parking to be provided as specified in the application prior to occupation
- 4) Cycle store/bin store as specified in the application
- 5) Removal of permitted development rights for enlargements and outbuildings
- 6) No additional windows in the flank elevations/obscure glazed first/second floors
- 7) Landscaping scheme to be submitted including hard/soft landscaping, retaining walls, boundary treatments and planting as boundary screening, details of green roof, SUDs techniques and habitat enhancement methods
- 8) Construction Logistics Plan to be submitted
- 9) 19% reduction in carbon emissions
- 10) Water usage restricted to 110 litres per person per day
- 11) Details of surface water attenuation to be agreed
- 12) No felling of trees in bird nesting season
- 13) Commencement of development within three years of consent being granted
- 14) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport

## Informatives

- 1) CIL liability
- 2) Protected Species
- 3) Code of Practice for Construction Sites
- 4) Any other informative(s) considered necessary by the Director of Planning and Strategic Transport

## 3 PROPOSAL AND LOCATION DETAILS

### Proposal

3.1 The proposal comprises the following:

- Provision of three storey detached 5 bedroom house fronting Coombe Road with integrated bin store and garden area at rear;
- The proposed house would have a floor area of 247m<sup>2</sup>;
- Use of the existing vehicular access between no. 13 and no. 15 Birdhurst Gardens and provision of two parking spaces for the proposed house;
- 1 parking space has been shown for the existing flats at no. 15 Birdhurst Gardens
- A cycle store and pergola proposed in the rear garden at rear.

### Site and Surroundings

3.2 The site forms part of the rear garden of No. 15 Birdhurst Gardens, the rear of which backs onto Coombe Road. No. 15 is located on the northern side of Birdhurst Gardens. It consists of a two-storey detached building that has been converted into flats. The land is level, however Coombe Road, which adjoins the rear garden, is on a higher land level. There is a shared vehicular access between No. 13 and 15 which serves private parking at the rear of both properties.

3.3 The surrounding area is residential in character and is made up of blocks of flats, detached and semi-detached properties/conversions. The site has been identified as being at risk of surface water flooding and is in an area with a public transport accessibility of 3 or 4.

### Planning History

3.4 The following applications are of relevance:

#### *Application site*

83/01671/P – erection of detached bungalow and garage fronting Coombe Road.

Planning Permission **REFUSED** due to access unsuitable (length and width) and impact on amenities of adjoining occupiers.

14/00762/P - Erection of a three storey building comprising 2 two bedroom and 2 three bedroom flats; alterations to existing vehicular access and provision of associated parking cycle and refuse storage

Planning Permission **REFUSED** on the following grounds:

- 1) The development would result in a cramped and overcrowded layout, out of keeping with the character of the surrounding area and detrimental to the visual amenity of the street scene by reason of the layout, scale of the building and design. It would not respect or improve the existing pattern of buildings, nor maximise the opportunities for creating an attractive and interesting environment and would thereby conflict with the NPPF, Policies 3.5, 7.1, 7.4, 7.5 and 7.6 of the London Plan 2011(with 2013 Alterations), Policies SP1.1, SP4.1 and SP4.2 of the Croydon Local Plan: Strategic Policies (2013) and Policies UD2, UD3 and H2 of the Croydon Replacement Unitary Development Plan (The Croydon Plan 2006) Saved Policies 2013.
- 2) The development would be detrimental to the residential amenities of the occupiers of the adjoining property by reason of visual intrusion and loss of privacy and would thereby conflict with Paragraph 17 of the NPPF, Policies 3.5 and 7.6 of the London Plan 2011 (with 2013 Alterations), Policies SP4.1 and SP4.2 of the Croydon Local Plan: Strategic Policies (2013) and Policy UD8 of the Croydon Plan (2006) Saved Policies 2013.
- 3) The development would result in sub-standard accommodation by reason of poor outlook from habitable rooms facing towards flank boundaries and would thereby conflict with Policies 3.5 of the London Plan 2011 (with 2013 Alterations) and Policy SP2.6 of the Croydon Local Plan Strategic Policies (2013).

The application was the subject of a planning appeal which was dismissed on the grounds of proposal would be harmful to the character and appearance of the area, would adversely affect the living conditions of adjoining occupiers and would provide unsatisfactory living conditions for future occupants.

*15 Birdhurst Gardens*

11/02709/P – Use as a single family dwelling house.

Planning Permission **GRANTED**

12/03294/P –Alterations; conversion to form 2 two bedroom and 3 one bedroom flats; erection of two storey rear extension, construction of roof extension and provision of associated parking

Planning Permission **GRANTED**

#### **4 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- The principle of residential development on the site is acceptable;
- The design and appearance of the development is appropriate for the site;
- There would be no undue harm to the residential amenities of adjoining occupiers;
- The living standards of future occupiers are acceptable and compliant with the Nationally Described Space Standards and the London Plan;
- The level of parking and impact upon highway safety and efficiency is acceptable;
- Sustainability aspects of the development can be controlled by condition.

## 5 CONSULTATION RESPONSE

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

## 6 LOCAL REPRESENTATION

- 6.1 44 letters were sent to adjoining occupiers to advertise the application. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 12      Objecting: 5      Supporting: 6      Comment: 1

- 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:

<b>Summary of objections</b>	<b>Response</b>
<i>Residential Amenity Considerations</i>	
<ul style="list-style-type: none"> <li>Impact on residential amenity of adjoining occupiers – loss of privacy, overlooking and light</li> </ul>	See paragraph 8.9 onwards
<i>Access and Parking</i>	
<ul style="list-style-type: none"> <li>Traffic congestion/Impact on highway safety</li> <li>Inadequate parking provision</li> <li>Unacceptable access arrangements</li> </ul>	See paragraphs 8.20 and 8.21
<i>Design and Scale of Development/Overdevelopment of the site</i>	
<ul style="list-style-type: none"> <li>Character of the area and design</li> <li>Overdevelopment</li> </ul>	See paragraph 8.4 and 8.5
<i>Environmental Considerations</i>	
<ul style="list-style-type: none"> <li>Flood risk</li> </ul>	See paragraph 8.27
<ul style="list-style-type: none"> <li>Waste</li> </ul>	See paragraph 8.23
<ul style="list-style-type: none"> <li>Trees</li> </ul>	See paragraph 8.24
<b>Summary of supporting comments</b>	
<ul style="list-style-type: none"> <li>Much needed housing with minimal impact</li> </ul>	See paragraph 8.2

6.3 Cllr Michael Neal has objected to the scheme, making the following representations:

- Back land development
- Over-development of the site
- Out of character with the area
- Visual impact on neighbouring properties

## **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 2018 (CLP) and the South London Waste Plan 2012.

7.2 Government Guidance is contained in the National Planning Policy Framework (NPPF), issued in July 2018. 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, including achieving well designed places that take the opportunities available for improving the character and quality of an area and the way it functions.

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

### Consolidated London Plan 2011 (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 2018 (CLP):

- SP2 on Homes
- SP6.3 on Sustainable Design and Construction
- DM1 on Housing choice for sustainable communities
- DM10 on Design and character
- DM13 Refuse and recycling
- DM23 on Development and construction
- DM25 on Sustainable Drainage Systems and Reducing Flood Risk
- DM29 on Promoting sustainable travel and reducing congestion
- DM30 on Car and cycle parking in new development
- DM46 – South Croydon

## **8 MATERIAL PLANNING CONSIDERATIONS**

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

1. Townscape and visual impact
2. Residential amenity of adjoining occupiers
3. Residential amenity of future occupiers
4. Highways and transport
5. Trees and environment
6. Environment and sustainability

### **Townscape and visual impact**

8.2 Local Plan Policy DM10 supports back land development subject to impact on the character of an area and the amenities of adjoining properties. In principle a residential site can be used for further delivery of residential units where it does not have a detrimental impact on the character of the area or other factors. In the case of development in the grounds of an existing building which is retained, this policy states that a minimum length of 10m and no less than half or 200m<sup>2</sup> (whichever is the smaller) of the existing garden area should be retained for the host property, after the subdivision of the garden. The site has already been sub-divided and no. 15 Birdhurst Gardens converted to flats. Furthermore, the proposed building would have a frontage to Coombe Road and so would front on to a main road.

8.3 Policy DM10.1 and DM46 sets out that developments should seek to achieve three storeys whilst respecting the character of the area, particularly development pattern, layout and siting; scale, height, mass and density; and appearance, materials, features and the Place of Croydon.

8.4 The proposed house would be located to the rear of the host property which backs onto Coombe Road. The land is level, however Coombe Road which adjoins the site from the rear is on a higher land level and therefore the proposed house would result in a three storey house when viewed from the rear. The architectural variety within the area presents an opportunity for a high quality contemporary building. Whilst there are no other residential properties along this stretch of Coombe Road with a frontage onto Coombe Road, it has been sensitively designed to be an appropriate width and depth of building, with a rear garden area. Its siting is such that other developments could, subject to full consideration, follow a similar building line in the future.





8.5 The proposed building would be of a contemporary design, it would be set back from the pavement and side boundaries and would incorporate a bin store. Natural landscaping would be provided along the frontage to soften the appearance of the development in the street scene. From the front it would have the appearance of a two storey house and from the rear three storeys. The size and massing has been designed to make the most of the difference in land levels. Below are CGI's illustrating what the size and massing of the proposed house would be:



8.6 There is a building on each corner with Edward Court on the corner of Coombe Road and South Park Hill Road (fronting South Park Hill Road) and Birdwell Court on the corner of Coombe Road and Birdhurst Avenue (fronting Birdhurst Avenue). Whilst the proposed house would be of a contemporary design and be the only house fronting Coombe Road, it is considered given its size, siting and design and the relationship with neighbouring buildings in close proximity to the site and their size and design, it is

considered the proposed development would not result in the over-development of the site but would have an acceptable impact on the surrounding area in terms of its design and appearance. Conditions are recommended in relation to sample materials, landscaping and boundary screening. Given the significant separation from neighbouring buildings, there is no strict form of style of buildings on this section of Coombe Road so an individualistic response is appropriate. The building has been designed to face in two directions. The main vehicular access would be from Birdhurst Gardens and so the property faces in that direction, which also allows it to make use of the southerly aspect. It also fronts on to Coombe Road with a clearly visible pedestrian entrance and fenestration. Windows have not been provided at ground level due to the level of the site with Coombe Road and the potential for noise and disturbance. Given the distinctive architectural approach this is considered acceptable.

- 8.7 It is acknowledged that planning permission has previously been refused on the site for a three storey building comprising 2 two bedroom and 2 three bedroom flats, however this was for a block of 4 flats which would have had a greater impact on the streetscene and wider area. Since this refusal the Croydon Local Plan has been adopted, with new policies relating to back land development. Each application is assessed on its own merits in accordance with the development plan and other material considerations relevant at the time. Also the house the subject of this application is narrower than the previous refusal and is of a different size, siting, massing and design.
- 8.8 Having considered all of the above, against the backdrop of housing need, officers are satisfied that the proposed development would comply with the objectives of the above adopted policies in terms of respecting local character.

### **Residential amenity of adjoining occupiers**

- 8.9 No. 15 Birdhurst Gardens has been converted to flats. No. 17 has not been developed at the rear. There is however a building on the corner of South Park Hill Road with Coombe Road (Edward Court) which has its frontage onto South Park Hill Road and also a building on the corner of Birdhurst Avenue and Coombe Road (Birdwell Court) with their frontage onto Birdhurst Avenue. These are in use as flats. The proposed house would be set in from the side boundaries. Representations have been received objecting on the grounds of loss of light/loss of privacy and outlook.
- 8.12 The proposed house would be located to the rear of no. 15 Birdhurst Gardens. The building would be set approximately 8m from the boundary with no. 15 but approximately 28m from the rear elevation of this property and a similar distance from 13 and 17. As such the separation distance is satisfactory to ensure that overlooking is minimised. DM10 protects the first 10m of private amenity space from direct overlooking. Given these distances it is not considered that the first 10m would be directly overlooked. An element of mutual overlooking is typically found in residential areas and this proposal is not considered to result in unacceptable detriment to neighbouring properties.
- 8.13 It is considered Birdwell Court would be of sufficient distance to not have an undue impact on the amenities of these occupiers.
- 8.14 There are trees adjacent to the side boundary with Edward Court which obscures views through. The proposed house would be set in from the side boundaries. The proposed

windows at side at first floor level would serve a void and a secondary master bedroom window and at second floor a bathroom. Given the siting and proposed use of the windows in the side elevation, the location of Edward Court's car parking area and trees adjacent to the side boundary, it is considered the proposed development would not have a significant effect on the amenities of Edward Court as to warrant a refusal of planning permission.

- 8.15 There are flats opposite the site fronting Coombe Road, these are however set back from the road frontage and have mature vegetation along the frontage which minimises views onto Coombe Road. It is not considered the proposed development would have an undue impact on their amenity.

### **Residential amenity of future occupiers**

- 8.16 The proposed dwelling would exceed the minimum standards set out in the Technical Housing Standards - National Described Space Standards (2015). The proposed dwelling would have a floor area of 247m<sup>2</sup> and a garden area provided. The development is considered to be acceptable in terms of living conditions for future occupiers.
- 8.17 An internal refuse area would be provided which is considered acceptable. Concern has been raised with regard to refuse collection and impact on the highway network. Coombe Road is an adopted highway. In the event of an emergency, a vehicle would be able to stop on Coombe Road. A condition could be attached for a waste management plan to be submitted prior to occupation if necessary.
- 8.18 Outdoor amenity space would be provided which is considered acceptable.

### **Highways and parking**

- 8.19 The site has a PTAL rating of 3 which means moderate accessibility to public transport links.
- 8.20 It is proposed to use the existing vehicular access in between no. 13 and no. 15 Birdhurst Gardens. 2 parking spaces would be provided for the proposed house and 1 parking space has been shown for one of the flats at no. 15. On the discharge of condition application in relation to no. 15, it showed the provision of 1 parking space to the rear. The level of parking is acceptable in line with policy.
- 8.21 A swept path has been provided demonstrating that a car will be able to manoeuvre and leave the site in forward gear. Given the number of parking spaces and the length of the access road, it is considered the use of the existing access road would be acceptable in this instance. Cycle storage has been shown within a store in the rear garden, it would provide space for 4 bicycles. This is considered acceptable.
- 8.22 A construction logistics plan would be conditioned. Given the proposal is for one house with access off Birdhurst Gardens and Coombe Road, emergency vehicles would be able attend the site.
- 8.23 The bin store area has been designed within the fabric of the building. This is considered acceptable and complies with policy and would be easily accessible from Coombe Road.

### **Trees and environment**

- 8.24 There are trees adjacent to the side boundary. Representations received on the ground of impact on trees/birds. The neighbouring trees are of limited amenity value due to their current condition, therefore do not provide the merits afforded to protected trees within the borough. Furthermore given the proposed house would be set in from both side boundaries, it is considered that the new proposed scheme would not adversely effect their rooting areas. It is recommended for an informative to be attach with regards to protected species.
- 8.25 New tree planting would be secured by condition to soften the approach of the new development. Specifically along the rear boundary adjacent to Coombe Road. Two trees would be provided adjacent to each side boundary at front. This is considered acceptable and can be conditioned.

### **Environment and sustainability**

- 8.26 Conditions can be attached to ensure that a 19% reduction in CO2 emissions over 2013 Building Regulations is achieved and mains water consumption would meet a target of 110 litres or less per head per day.
- 8.27 The site falls within an area of surface water flooding. A Flood Risk Assessment has been submitted. It is stated in the assessment “provision has been made for a rainwater harvesting system with a storage tank on the roof behind the solar panels. Also a significant proportion of the roof is planted increasing water absorption. The landscaping for the garden will incorporate permeable paving and lawn to allow any surface water to drain away thus negating any risk of flooding”. It is recommended for this to be conditioned together with the provision of a water butt.

### **Conclusions**

- 8.28 It is recommended that planning permission should be granted for the proposal, as it would be acceptable in all respects, subject to conditions.
- 8.29 All other relevant policies and considerations, including equalities, have been taken into account.