

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

Reserve Members: Joy Prince, Nina Degrad, Niroshan Sirisena,
Sherwan Chowdhury, Stephen Mann, Yvette Hopley, Stuart Millson,
Ian Parker, Simon Brew and Andrew Pelling

A meeting of the **Planning Sub-Committee** which you are hereby summoned to attend, will be held on **Thursday, 21 March 2019 at 6.00pm** in **F10, Town Hall, Katharine Street, Croydon, Surrey, CR0 1NX**

JACQUELINE HARRIS BAKER
Council Solicitor and Monitoring Officer
London Borough of Croydon
Bernard Weatherill House
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www.croydon.gov.uk/meetings
Wednesday, 13 March 2019

Members of the public are welcome to attend this meeting.

If you require any assistance, please contact the person detailed above, on the righthand side.

To register a request to speak, please either e-mail 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

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 - 8)

To approve the minutes of the meeting held on Thursday 28 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 9 - 12)

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

5.1 18/06126/HSE 17 Pollards Hill East, Norbury (Pages 13 - 20)

Demolition of garage and erection of an ancillary outbuilding with basement.

Ward: Norbury and Pollards Hill
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."

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Planning Sub-Committee

Meeting of Croydon Council's Planning Sub-Committee held on Thursday, 28 February 2019
at 9:56pm in Council Chamber, Town Hall, Katharine Street, Croydon, CR0 1NX

MINUTES

Present: Councillor Muhammad Ali (Chair);
Councillor Paul Scott (Vice-Chair);
Councillors Toni Letts, Jason Perry and Scott Roche

Also Present: Councillors Stephen Mann and Michael Neal

PART A

A17/19 **Minutes of the previous meeting**

RESOLVED that the minutes of the meeting held Thursday 14 February 2019 be signed as a correct record.

A18/19 **Disclosure of Interest**

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

A19/19 **Urgent Business (if any)**

There was none.

A20/19 **Planning applications for decision**

A21/19 **18/06058/FUL 58-60 Westow Hill, Upper Norwood**

(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

The officers presented details of the planning application and responded to questions and clarifications.

Ms Audrey Coudyser spoke against the application.

Mr Anthony Thomas (Applicant) spoke in support of the application.

Referring Ward Member, Councillor Stephen Mann, spoke against the application.

Councillor Scott proposed a motion for **APPROVAL** of the application. Councillor Letts 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 58-60 Westow Hill, Upper Norwood.

A22/19 18/04067/FUL 126 Mount Park Avenue, South Croydon, CR2 6DJ

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

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

A23/19 18/05962/HSE 318 Norbury Avenue, Norbury, London, SW16 3RL

Erection of a single storey rear extension.

Ward: Norbury Park

The officers presented details of the planning application and there were no questions for clarification.

Mr Sean Creighton (from Love Norbury Residence Association) spoke against the application.

Mr Trevor Mullineaux (Agent) spoke in support of the application.

Councillor Scott proposed a motion for **APPROVAL** of the application. Councillor Letts 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 318 Norbury Avenue, Norbury, London, SW16 3RL.

A24/19 **18/03254/FUL Garage Block Adjoining 24 Balfour Road, South Norwood, SE25 5JY**

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

Ward: Woodside

The officers presented details of the planning application and there were no questions for clarification.

Mr Liam Jung and Ms Amanda Clark spoke against the application.

Ms Nuala O'Neill (Agent) spoke in support of the application.

Councillor Scott proposed a motion for **APPROVAL** of the application. There was an informative request to cover the resident's concerns to be reviewed and the construction logistics plans adhered to. Councillor Ali seconded the motion.

Councillor Perry proposed a motion to **REFUSE** the application on the grounds of over development and out of keeping within the area. Councillor Roche seconded the motion.

The motion of approval was put forward to the vote and was carried with three Members voting in favour and two Members voting against. The second motion to refuse therefore fell.

The Committee therefore **RESOLVED** to **GRANT** the application for the development of the Garage Block Adjoining 24 Balfour Road, South Norwood, SE25 5JY.

A25/19 **18/03002/FUL The rear of 15 Birdhurst Gardens, South Croydon**

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

The officers presented details of the planning application and there were no questions for clarification.

Mr Michael Eardley spoke against the application.

Mr Devash Shah (Applicant) spoke in support of the application.

Referring Ward Member, Councillor Michael Neal, spoke against the application.

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

Councillor Perry proposed a motion to **REFUSE** the application on the grounds of loss of amenities for the adjoining occupiers, backland development and out of keeping in the area. Councillor Roche seconded the motion.

The motion of approval was put forward to the vote and was carried with three Members voting in favour and two Members voting against. The second motion to refuse therefore fell.

The Committee therefore **RESOLVED** to **GRANT** the application for the development of the rear of 15 Birdhurst Gardens, South Croydon.

The meeting ended at 11.08pm

Signed:

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Date:

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PLANNING SUB-COMMITTEE AGENDA

PART 5: Planning Applications for Decision

1 INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Planning Committee.
- 1.2 Although the reports are set out in a particular order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a particular application, you need to be at the meeting from the beginning.
- 1.3 Any item that is on the agenda because it has been referred by a Ward Member, GLA Member, MP 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.

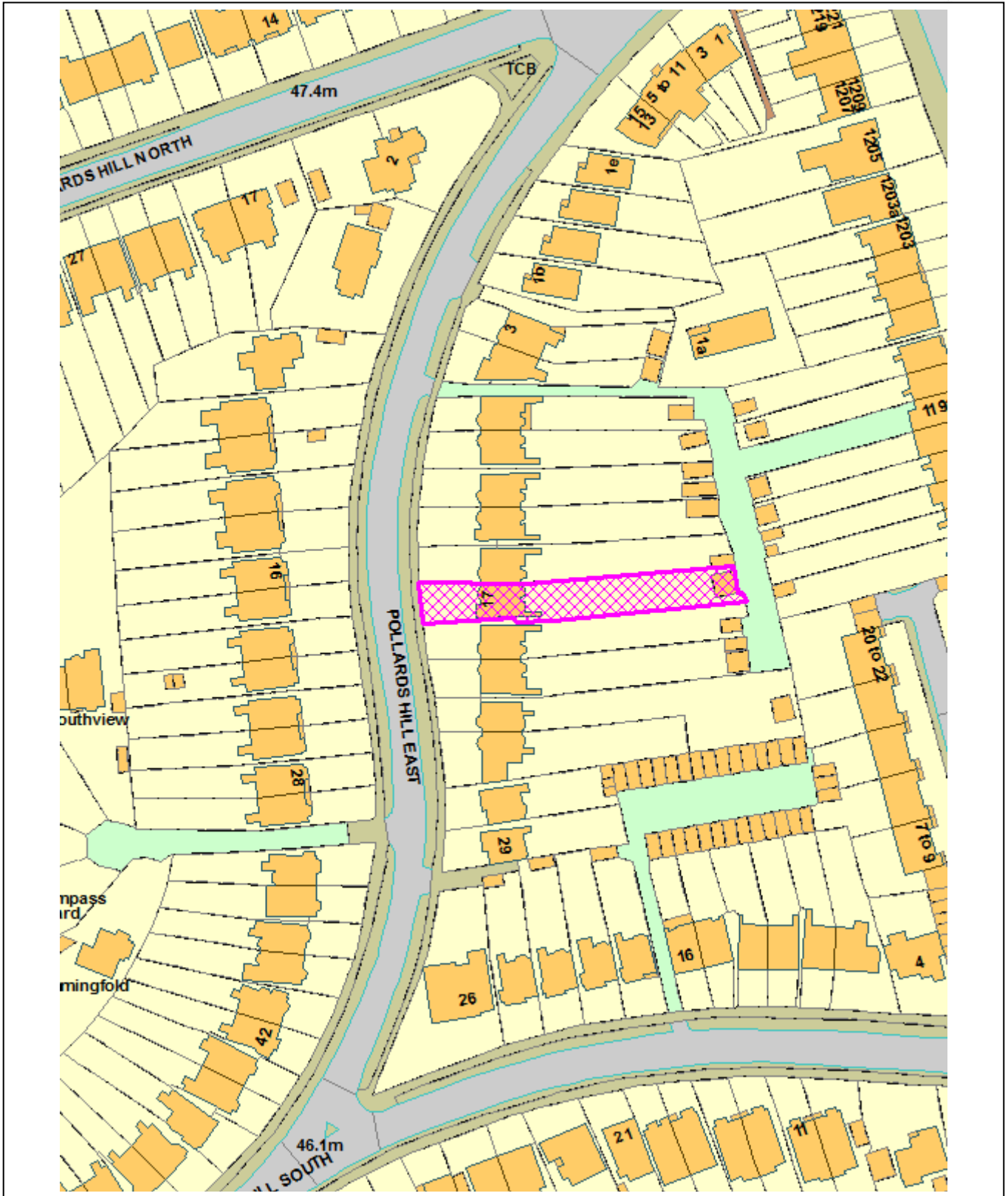
8. BACKGROUND DOCUMENTS

- 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. APPLICATION DETAILS**

Ref: 18/06126/HSE
Location: 17 Pollards Hill East, Norbury
Ward: Norbury and Pollards Hill
Description: Demolition of garage and erection of an ancillary outbuilding with basement
Drawing Nos: 7571_000, 7571_001, 7571_002, 7571_003, 7571_004,
7571_005, 7571_006, 7571_007, 7571_008, 7571_009,
7571_010
Agent: Mr Jacob Low
Case Officer: Victoria Bates

- 1.1 This application is being reported to Sub Planning Committee because objections above the threshold in the Committee Consideration criteria have been received (26 objections) which triggers referral to committee.

2 RECOMMENDATION

- 2.1 That the Sub 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 works shall be carried out wholly in accordance with the submitted plans
- 2) Use to be ancillary to the single family dwelling house as specified in the application
- 3) Materials as specified within the application.
- 4) Commence the development within 3 years of the date of this decision.
- 4) Any other planning condition(s) considered necessary by the Director of Planning & Strategic Transport

Informatives

- 1) Any informative(s) considered necessary by the Director of Planning & Strategic Transport

3 PROPOSAL AND LOCATION DETAILS**Proposal**

- 3.1 The applicant seeks full planning permission for the:

Demolition of the existing garage and erection of an ancillary outbuilding with basement

Site and Surroundings

- The site is currently occupied by a semi detached single family dwelling house with a garage located at the rear of the garden.
- The surrounding area is residential in character with many of the existing properties benefiting from garages or outbuilding located at the end of the rear gardens



Planning History

3.2 The following application is relevant to the assessment and determination of the application:

18/01621/HSE - Demolition and erection of a single/two storey outbuilding for use as home office/guest house – Permission refused:

1. The proposal would result in a two storey outbuilding that would not be used for ancillary purposes to the host dwelling and insufficient evidence is provided to assess the harm caused by either use for residential or commercial office purposes. It is therefore considered the proposal fails to comply with the aims and objectives of the Croydon Local Plan 2018.
2. The proposal would result in the construction of an office building in an out of centre location and it has not been demonstrated that the development will not harm the vitality and viability of the borough's town centres in accordance with DM8 of the Croydon Local Plan (2018).
3. Insufficient details have been provided to demonstrate that the loss of a car parking space and parking demand generated by an office use in this location would not have a detrimental impact on the highway network contrary to DM29 of the Croydon Local Plan (2018).

4 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The use of the building for purposes ancillary to the main dwelling house would be acceptable and in accordance with the character of the area
- The appearance of the building would be acceptable and there would be minimal changes visible from the streetscene.

- There would be no significant harm to neighbouring properties amenity, given the location and separation distances between the proposed development and surrounding properties.
- Adequate off street parking facilities would remain at the front of the proposed so to ensure that the development would not have an adverse impact on parking demand in the vicinity of the site.

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 The application has been publicised by way of (15) letters sent to neighbouring occupiers of the application site. The number of representations received from neighbours, local groups etc. in response to notification and publicity of the application were as follows:

No of individual responses: 27 Objecting: 26 Supporting: 0 Neutral: 1

The Love Norbury Residents association have also objected to the application.

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:

- Not in keeping with the area
- Obtrusive by design
- Overdevelopment
- Overlooking
- Construction noise [Officer comment: this is not a material planning consideration]
- Subsidence and drainage issues [Officer comment: this is not a material planning consideration]
- Loss of privacy
- Concerns over use as 'office'
- Stress on parking
- Loss of parking space
- Out of character
- Visually intrusive
- Noise and light pollution
- Impact on vegetation

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 February 2019. 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):

- SP2: Homes
- SP6: Environment and Climate Change
- DM1 on Housing choice for sustainable communities
- DM10 on Design and character
- DM16 on Promoting healthy communities
- DM19 on Promoting and protecting healthy communities
- DM23 on Development and construction

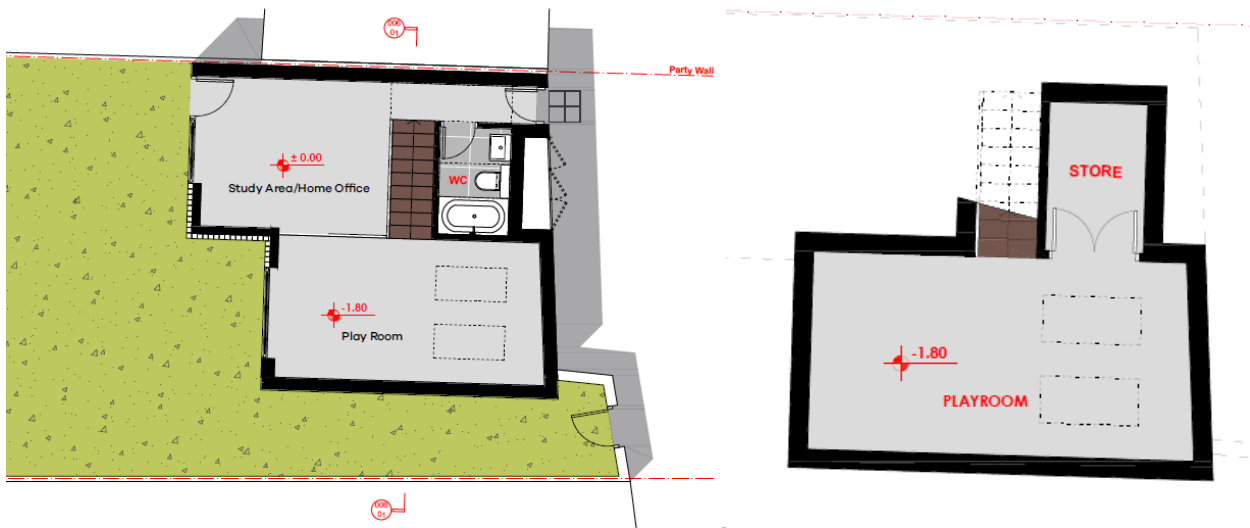
8 MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the Committee is required to consider are as follows:

- Principle of development
- Townscape and visual impact
- Impact on neighbouring residential amenity
- Transport

Principle of Development

8.2 The application proposed that the new outbuilding would be used as a study area, home office and playroom with a storage area and another playroom being provided at basement level. These uses are all ancillary to the main dwelling and overcomes the refusal reasons for 18/01621/HSE which appeared to be a commercial office with kitchen, bathroom and amenity space. Ancillary use will be secured by way of a condition to ensure that the outbuilding is not used as a separate dwelling or as a commercial office.



- 8.3 Ancillary outbuildings often benefit from permitted development rights however in this case it should be noted that the outbuilding does not conform to permitted development as the height is more than 2.5 metres within 2 metres of the boundary and has a basement and therefore planning permission is required.

Townscape and Visual Impact

- 8.4 Policy 3.5 of the London Plan requires housing development to be of the highest quality. Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan state that development should make a positive contribution to the local character, public realm and streetscape. It should incorporate the highest quality materials and design appropriate to its context. Policy DM10 of the Croydon Local Plan requires the siting, layout and form of new development to respect the character and appearance of existing areas. Policy SP1.1 indicates that the Council will require all new development to contribute to enhancing a sense of place and improving the character of the area. Policies SP4.1 and SP4.2 of also require development to be of a high quality which respects and enhances local character.
- 8.5 The proposed outbuilding replaces the existing double garage. It has a contemporary appearance, with grey and white render and timber cladding and a flat roof. The outbuilding would be a similar height and footprint of the other garages in this location, therefore it would respect the scale, height and massing of the area in accordance with DM10 of the Croydon Local Plan.



Impact on Neighbouring Residential Amenity

- 8.6 Policy 7.1 of the London Plan indicates that in their neighbourhoods, people should have a good quality environment. Policy DM10 of the Croydon Local Plan requires the Council to have regard to the privacy and amenity of adjoining occupiers. Policies SP4.1 and SP4.2 seek to respect and enhance character, to create sustainable communities and enhance social cohesion and well-being.
- 8.7 There are garages on either side of the proposed outbuilding, so no harm would be caused to neighbour amenity in this respect. In terms of concerns raised about overlooking and loss of privacy from the windows facing towards the rear of the properties on Pollards Hill East, it is considered that this relationship is acceptable. The outbuilding would be well separated from the rear of the properties on Pollards Hill East by 40 metres and the windows would not look directly into either adjoining occupier's properties. The proposed outbuilding would not therefore appear overly dominant when viewed from adjoining properties and would respect sunlight, daylight and outlook.

Transport

- 8.8 The property currently benefits from a single garage which is located at the rear of the property. This garage would be removed as part of the application proposal. The application site is located within an area with a PTAL rating of 3, the forecourt of the property is paved and is of a sufficient size to be able to provide for two off street car parking spaces.

Conclusions

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