

Planning Sub-Committee Agenda



To: Councillor Muhammad Ali (Chair)
Councillor Paul Scott (Vice-Chair)
Councillors Toni Letts, Chris Clark, Joy Prince, Sherwan Chowdhury,
Jason Perry, Scott Roche, Gareth Streeter and Ian Parker

A meeting of the **Planning Sub-Committee** which you are hereby summoned to attend, will be held on **Thursday, 7 May 2020** at the rise of Planning Committee but not earlier than **7.15pm**. This meeting will be held remotely. Members of the Committee will be sent a link to remotely attend the meeting in due course.

PLEASE NOTE: Members of the public are welcome to remotely attend this meeting via a web link which will be publicised on the Council website at least 24 hours before the meeting.

JACQUELINE HARRIS BAKER
Council Solicitor and Monitoring Officer
London Borough of Croydon
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www.croydon.gov.uk/meetings
Wednesday, 29 April 2020

If you would like to record the meeting, we ask that you read the guidance on the recording of public meetings [here](#) before attending.

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.

The agenda papers for all Council meetings are available on the Council website www.croydon.gov.uk/meetings

If you require any assistance, please contact Michelle Ossei-Gerning 020 8726 6000 x84246 as detailed above.

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 12 March 2020 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 19/01810/FUL Land R/O 5-6 Oaklands Gardens, Kenley, CR8 5DS (Pages 11 - 28)

Alterations to land levels, erection of detached two storey 3 bedroom house with decking, associated bin and cycle stores.

Ward: Kenley

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, 12 March 2020 at 6.00pm in Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX

MINUTES

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

Also Present: Councillor Alison Butler

PART A

A18/20 **Apologies for Absence**

There were none.

A19/20 **Minutes of the previous meeting**

RESOLVED that the minutes of the meeting held Thursday, 27 February 2020 be signed as a correct record.

A20/20 **Disclosure of Interest**

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

A21/20 **Urgent Business (if any)**

There was none.

A22/20 **Planning applications for decision**

The Chair reminded Members that motions would be heard as follows: the Members would deliberate on the application item presented, and all Members would then be given the opportunity to speak. Following this, the substantive motion (officer's recommendation) would be voted on, following a

proposal and a second. Only if the vote to the substantive motion (officer's recommendation) fell, then would a motion to refuse/approve be considered.

..... A23/20 **20/00067/FUL 7 Brook Road, Thornton Heath, CR7 7RD**

Change of use from 6 person house in multiple occupation (C4) to an 8 person house in multiple occupation (sui generis) with refuse and cycle storage.

Ward: Bensham Manor

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

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

Referring Ward Member Councillor Alison Butler spoke against the application.

The Committee deliberated on the application presentation heard before them having heard all the speakers who addressed the Committee, and in turn addressed their view on the matter.

The substantive motion to **APPROVE** the application based on the officer's recommendation was taken to the vote having been proposed by Councillor Paul Scott. This was seconded by Councillor Muhammad Ali.

The substantive motion was carried with all five Members unanimously voting in favour.

The Committee therefore **RESOLVED** to **GRANT** the application for the development of 7 Brook Road, Thornton Heath, CR7 7RD, subject to a legal agreement to prevent the occupiers from obtaining parking permits and the conditions contained in the report.

The meeting ended at 6.27pm

Signed:

Date:

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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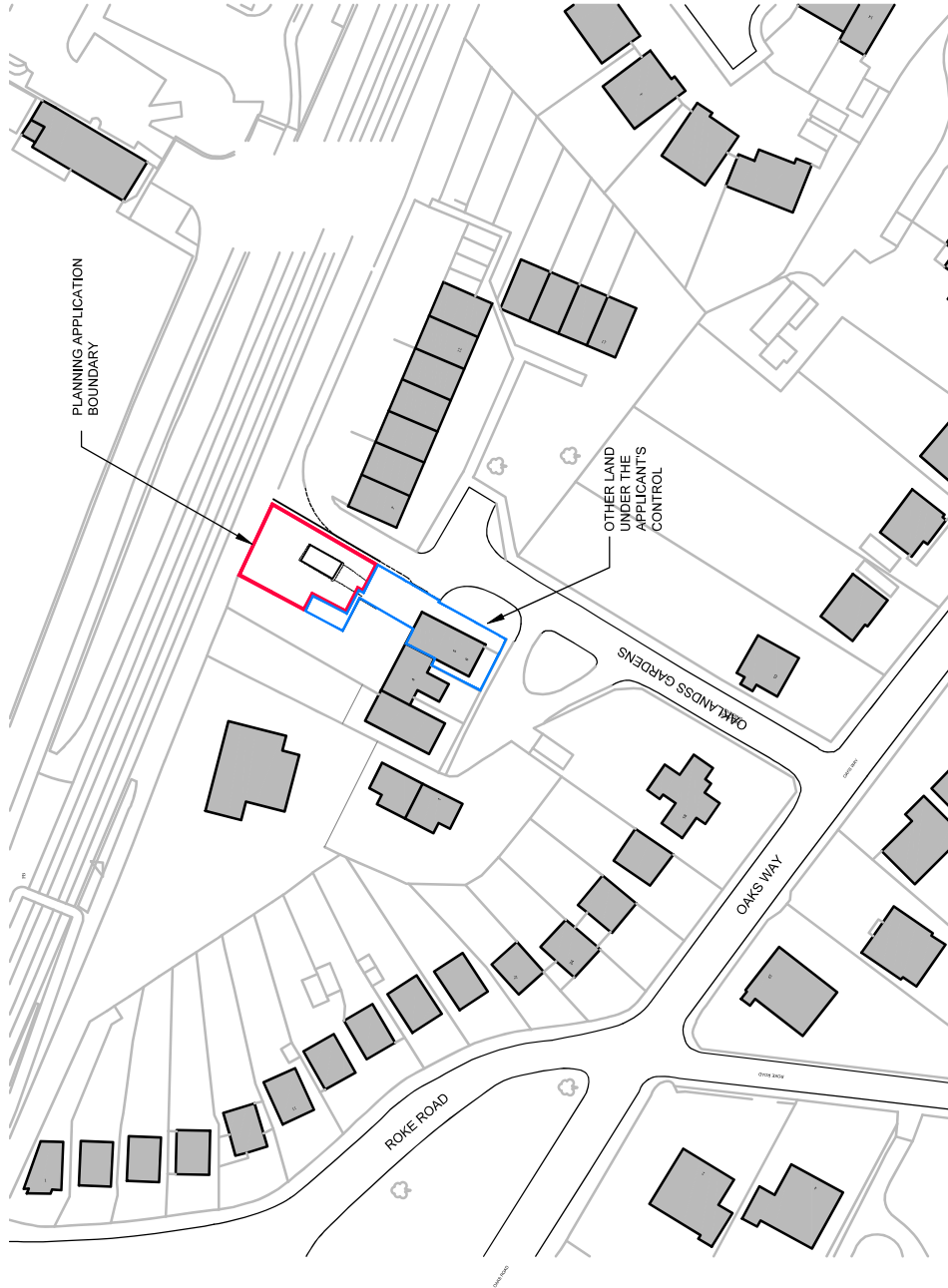
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LIST OF INFORMANTS :
 ORDNANCE SURVEY
 MACDONALD DESIGN LTD

REVISIONS	DATE	DRN	REV
ADDED BUILDINGS 1 - 17 ROKE ROAD & 2 - 3 OAKLANDS GARDENS	10.10.18	AK	A
BOUNDARY AMENDED	10.01.19	ARR	B
BOUNDARY AMENDED	12.07.19	ARR	C
BOUNDARY AMENDED	19.12.19	ARR	D



MountfordPigott
 Professional Planning Design

LOCATION PLAN
 AS EXISTING
 2081-X01-D

1:1250 @ A4
 DRAWN BY: AK
 06.08.19

OAKLANDS GARDENS

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1 SUMMARY OF APPLICATION DETAILS

Ref: 19/01810/FUL
 Location: Land R/O 5-6 Oaklands Gardens, Kenley, CR8 5DS
 Ward: Kenley
 Description: Alterations to land levels, erection of detached two storey 3 bedroom house with decking, associated bin and cycle stores
 Drawing Nos: Design and Access Statement (subject to amendments), Addendum Design and Access Statement (2081-PGB-02B), Tree Survey Arboricultural Implications Assessment, Tree Plan drawing no: 3003, Parking Survey dated 28 August 2019, Preliminary Ecological Appraisal, 3003, 2081-X01-E, 2081-X02-B, 2081-P01-E, 2081-P02-C, 2081-P03-B, 2081-P04-A, 2081-P05-A, 2081-P06-A, 2081-P07, 2081-P09-A
 Applicant: Mr Carlo Navato
 Case Officer: Hayley Crabb

	Studio	1 bed	2 bed	3 bed	4 bed
Proposed House				1	

The unit is proposed for private sale

Number of car parking spaces	Number of cycle parking spaces
0	Up to 3 spaces

- 1.1 This application is being reported to Planning Sub Committee as objections above the threshold have been received.

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) Remove permitted development

- 4) No additional windows in the elevation fronting the host building and garden area of neighbouring property/obscure glazed first floors (west elevation to landing and bathroom and east elevation – secondary window to master bedroom)
- 5) Landscaping scheme to be submitted including hard/soft landscaping, retaining walls, boundary treatments and planting as boundary screening and SUDs techniques
- 6) Flood risk mitigation measures/water butt
- 7) Prior to first occupation, bin store, cycle store details to be submitted and approved by the LPA
- 8) Tree protection condition
- 9) The roof area of the house shall not be used as a roof terrace
- 10) Details of the sub-division of the plot/use of amenity space for existing occupiers
- 11) Ecology conditions – in accordance with ecological mitigation measures
- 12) 1.7m high solid screen to the decking area
- 13) Construction Logistics Plan
- 14) 19% reduction in carbon emissions
- 15) Water usage restricted to 110 litres per person per day
- 16) Commencement of development within three years of consent being granted
- 17) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport

Informatives

- 1) CIL liability
- 2) Code of Practice for Construction Sites
- 3) Network Rail
- 4) Protected species
- 5) Applicant's attention re: ownership/access rights to private road. This permission does not give access rights. Applicant should check these matters prior to construction
- 6) Highways
- 7) 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:

- Erection of two storey 3 bedroom house
- 3 bedroom (5 persons)
- Private amenity space would be provided adjacent to the railway line
- Cycle store would be provided at front for up to 3 bicycles
- Bin store at front

Site and Surroundings

3.2 The site is located to the rear of 5-6 Oaklands Gardens which lies on the northern end of the cul-de-sac adjacent to a row of terrace properties. No. 5 Oaklands Gardens is a ground floor flat and no. 6 Oakland Gardens is a first floor flat. There is a private access road adjacent to the proposed house.

- 3.3 The surrounding area is residential in character and comprises of a mix of detached/semi-detached/terrace properties of varying size, age and style set at differing land levels.
- 3.4 Tree Preservation Order (TPO:7:2001) protects a number of trees on site.
- 3.5 The site is within an area identified as a Surface Water Flood Risk Area.
- 3.6 The site has a PTAL 2 – low accessibility to public transport links. Parking has been omitted from the proposal.
- 3.7 The rear boundary adjoins a railway line.



Planning History

- 3.8 Planning permission was refused back in December 2014 for the erection of two storey two bedroom house at rear and provision of associated parking (LBC Ref 14/03667/P) 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 and would thereby conflict with Policy SP4.1 of Croydon Local Plan; Strategic Policies, Policies UD2, UD3, H2 and H5 of the Croydon Replacement Unitary Development Plan (The Croydon Plan 2006) Saved Policies 2013, Policies 7.4 and 7.6 of the London Plan 2011.
 2. The development would be detrimental to the amenities of the occupiers of adjoining property by reason of its size and siting resulting visual intrusion and loss of privacy and would thereby conflict with Policies UD2, UD8 and H2 of the Croydon Replacement Unitary Development Plan (The Croydon Plan 2006) Saved Policies 2013, Supplementary Planning Document No 2 on Residential Extensions and Alterations and Policy 7.6 of the London Plan 2011 (with 2013 alterations).
 3. The development would result in sub-standard accommodation by reason of inadequate private amenity space and would thereby conflict with Policy UD8 of the Croydon Replacement Unitary Development Plan (The Croydon Plan 2006) Saved Policies 2013 and Policy 3.5B&C of the London Plan 2011 (with 2013 alterations).

4. The proposed development would provide substandard parking provision which would be difficult to access by users and would thereby conflict with Policy UD13 and T8 of the Croydon Replacement Unitary Development Plan (The Croydon Plan) 2006 Saved Policies, Policies 6.12 and 6.13 of the London Plan 2011.
5. The trees on this site are subject to TPO No. 7, 2001, confirmed on 27 July 2001. The siting of the proposed building(s) is likely to compromise the retention of a number of visually important, preserved trees. The potential loss of these trees would be detrimental to the character of the area and the proposal is, therefore, contrary to Policy NC4 of the Croydon Replacement Unitary Development Plan (the Croydon Plan) 2006 Saved Policies and Policy 3D.15 of the London Plan (as Consolidated 2008), Policies 7.4 and Policy 7.21B of the London Plan.

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;
- Sufficient on street parking is available in the area;
- Sustainability aspects of the development can be controlled by condition.

5 CONSULTATION RESPONSE

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

Network Rail

- 5.2 Network Rail is a statutory consultee and have been consulted. They have raised no objection subject to standard engagement requirements associated with construction activity in close proximity to railway infrastructure. (OFFICER COMMENT). The proposed building would be sited well away from Network Rail land – although on-going engagement between Network Rail and the applicant would need to continue.

LOCAL REPRESENTATION

- 6.1 The application has been publicised by 21 letters of notification to neighbouring properties in the vicinity of the application site. 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: 37 Objecting: 37 and a signed petition with 10 signatures. Neighbours and interested parties were then re-consulted. Further representations have been received together with a signed petition with 11 signatures. Additional representations have also been received in respect of the amended drawings received in January 2020.

- 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:

Summary of objections	Response
Over-development/density/cramped form of development/overcrowding	Addressed in Section 8.5 of this report
Not in keeping with the area/design not in keeping with the area/overbearing/visually intrusive/obtrusive by design	Addressed in Section 8.9-8.10 of this report
Use of existing amenity space/Loss of light/Loss of privacy/overlooking /use of the roof	Addressed in Section 8.11-8.15 of this report
Noise/light pollution/disturbance/ impact on neighbour amenity	Addressed in Section 8.16 of this report
Substandard accommodation	Addressed in Section 8.18 of this report
Lack of amenity space/amenity space for host building	Addressed in Section 8.19-8.20 of this report
Access for proposed house onto private right of way	Addressed in Section 8.21 of this report
Lack of parking/insufficient space in surrounding roads/private access road/parking report/other proposals	Addressed in Section 8.23-8.27 of this report
Impact on trees	Addressed in Section 8.28 of this report
Impact on drainage/sewer system etc	Addressed in Section 8.29 of this report
Impact on wildlife/protected species	Addressed in Section 8.30 of this report
In-accurate site plan/ownership/deeds/right of way/access rights to house	A revised site plan has been submitted. Ownership/deeds are not planning considerations. However it is recommended for an informative to be placed on the decision that the permission does not give ownership rights and for the applicant to check prior to construction. Addressed in Section 8.20. Ownership matters are between third parties.
Emergency vehicles/construction/delivery of materials	A condition can be imposed for a Construction Logistics Plan to be submitted and approved prior to commencement of development and place an informative bringing the applicants attentions to the Council's code of construction which should be adhered to.

Previous refusal	Each application is judged on its own individual merits
Use of 2006 policies	These policies have now been replaced by the adoption of the Croydon Local Plan 2018 and other planning policies and therefore the scheme is considered in line with current adopted policies.
Inaccuracies in the Design and Access Statement/"use of Oaklands Gardens /right of way"/security gate/should submit a new planning application.	A site visit has been undertaken and therefore a judgement has been made with regard to the impact of the development on the character of the area and the siting of the development in relation to the access road. At the time of the officers site visit security gates had not been installed. Officers are satisfied an acceptable level of information has been provided for consideration. The agent wanted to continue engaging with the council and therefore amended drawings were submitted for consideration as opposed to submitting a new planning application.
Planning scheme locally 19/05920/FUL	Each application is judged on its own individual merits

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. Such 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 (February 2018), 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:
- Promoting sustainable transport;
 - Delivery of housing
 - Promoting social, recreational and cultural facilities and services the community needs
 - Requiring good design.
- 7.3 The main policy considerations raised by the application that the Committee are required to consider are:

7.4 Consolidated London Plan 2015

- 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
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.10 Urban greening
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.16 Waste net self sufficiency
- 5.18 Construction, Demolition and excavation waste
- 6.3 Effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.6 Architecture
- 8.3 Community infrastructure levy

7.5 Croydon Local Plan (adopted February 2018)

- SP2 – Homes
- DM1 – Housing choice for sustainable communities
- SP4 – Urban Design and Local Character
- DM10 – Design and character
- DM13 – Refuse and recycling
- SP6 – Environment and Climate Change
- DM23 – Development and construction
- DM24 – Land contamination
- DM25 – Sustainable drainage systems and reducing flood risk
- SP7 – Green Grid
- DM27 – Biodiversity
- DM28 – Trees
- SP8 – Transport and Communications
- DM29 – Promoting sustainable travel and reducing congestion
- DM30 – Car and cycle parking in new development
- DM40 (Kenley & Old Coulsdon).

7.6 Other relevant Supplementary Planning Guidance as follows:

- London Housing SPG, March 2016
- National Technical Housing Standards, 2015

- National Planning Practice Guidance
- Suburban Design Guide SPG (2019)

8 MATERIAL PLANNING CONSIDERATIONS

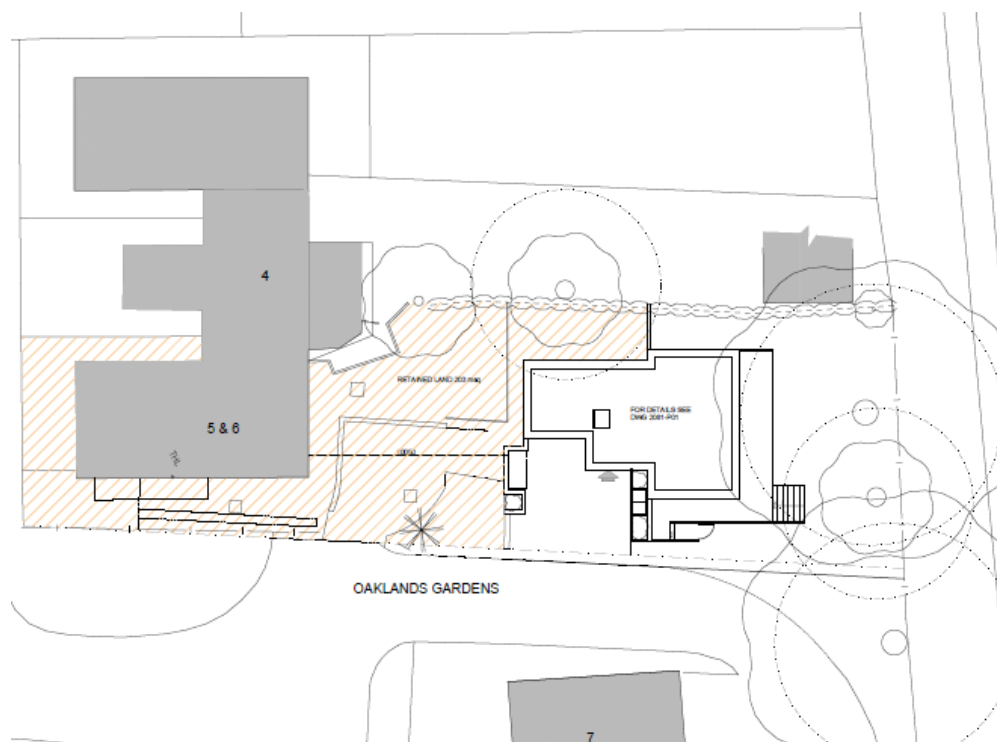
8.1 The main planning issues raised by the application that the committee must consider are:

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

Principle of Development

8.2 The London Plan and Croydon Local Plan identify appropriate use of land as a material consideration to ensure that opportunities for development are recognised and housing supply optimised. It is acknowledged that windfall schemes which provide sensitive renewal and intensification of existing residential areas play an important role in meeting demand for larger properties in the Capital, helping to address overcrowding and affordability issues.

8.3 The application proposes to infill the plot with the erection of a detached 3 bedroom house. The proposal would therefore provide an additional dwelling within an established residential area, which the Council is seeking to promote. It is considered this is acceptable in principle subject to the demonstration that the development deals adequately with other policy issues relevant to the proposal and any other material planning considerations.



- 8.4 Policy DM10 supports back-land development, subject to the impact on the character of an area and the amenities of adjoining properties. Policy DM10.4 (e) 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 200m² (whichever is the smaller) of the existing garden area is retained for the host property, after the subdivision of the garden. The area hatched above shows 203m² of amenity space would be retained for the host building which is in use as two flats and the proposed house would be set more than 10m from the rear of the host building. The agent sent email dated 10th March 2020 stating “the freehold to both apartments is retained by the applicant with a lease to use part of the external amenity space granted to No 5 Oaklands Gardens (the ground floor flat). No. 5 Oaklands Gardens enjoys rights to the western part of the front garden and also a small rear garden. No 6 Oaklands Gardens enjoys rights over the eastern part of the site to the front and rear of the property”. The agent has also advised “the northern part of the site (the application site) is unenclosed along its eastern boundary and is consequently unsecure, semi-public and cannot be enjoyed as private amenity space. Over the years this area has been routinely fly-tipped and the shed located in this part of the site cannot be relied upon for secure storage. The southern or “front” part of the site actually enjoys a greater degree of enclosure and privacy and is planted and maintained as garden space as well as the access to the ground floor flat. The utilised external area only extends to the space demised to the ground floor flat and the eastern part of the site only extending as far as the area of hard-standing behind the property. This arrangement is slightly unusual and subverts the conventional arrangement of public space to the front of a property and private secure space to the rear. Consequently, the applicant considers that it is entirely reasonable to include the area to the south or front of the property as part of the amenity space calculation and to consider the two flats as both forming part of the “host property” and the retained area in aggregate.” This is considered acceptable.
- 8.5 In respect to the density of the scheme, representations have raised concern over the intensification of the site and overdevelopment. The site is a suburban setting with a PTAL rating of 2 and as such, the London Plan indicates that the density levels ranges of 150–250 hr/ha habitable rooms per hectare (hr/ha); the proposal would command a residential density of roughly 154hr/ha which is considered acceptable – with the scheme adopting a thorough design-led approach to determine an appropriate density of development. The London Plan is currently being revised and the density matrix is due to be deleted from the Plan.

Townscape and Visual Impact

- 8.6 Policy DM10.1 and DM40 sets out that developments should respect the local character and distinctiveness.
- 8.7 The proposed building would be located to the rear of number 5 and 6 Oaklands Gardens which lies on the northern end of the cul-de-sac adjacent to a row of terrace properties accessed via a private access road immediately adjacent to the site.
- 8.8 It is proposed to erect a two storey detached house which would be contemporary in style – with a subordinated flat roof appearance, set within the sloping topography.



PERSPECTIVE VIEW 01



PERSPECTIVE VIEW 02



8.9 The proposed building would be set back from the frontage, adjacent to the railway line. Representations have been received regarding the proposed development would

not be in keeping with the area/overbearing/visually intrusive/obtrusive by design. The surrounding area is residential in character and comprises of a mix of detached/semi-detached/terrace properties varying in size, age and style.

- 8.10 It is proposed to use a simple palette of materials comprising brickwork and timber panelling. The Design and Access Statement states the brickwork would match the host building and whilst the proposal would be unashamedly contemporary in style and form (with a flat roof), given its overall subservience and its response to sloping topography (with its back-land situation) officers are satisfied with the scale, massing and overall appearance of the proposed house. It is considered the proposed development would not have a significant effect on the visual amenity of the street-scene and would maintain and respect the character of the area. In order to ensure a high quality development is provided, it is recommended for a condition to be imposed for external facing materials/samples be submitted to ensure these would be acceptable.



The proposed development would be located to the left of the left image and the second photograph (right) provides details of the wider street-scene

Residential Amenities of Adjoining Occupiers

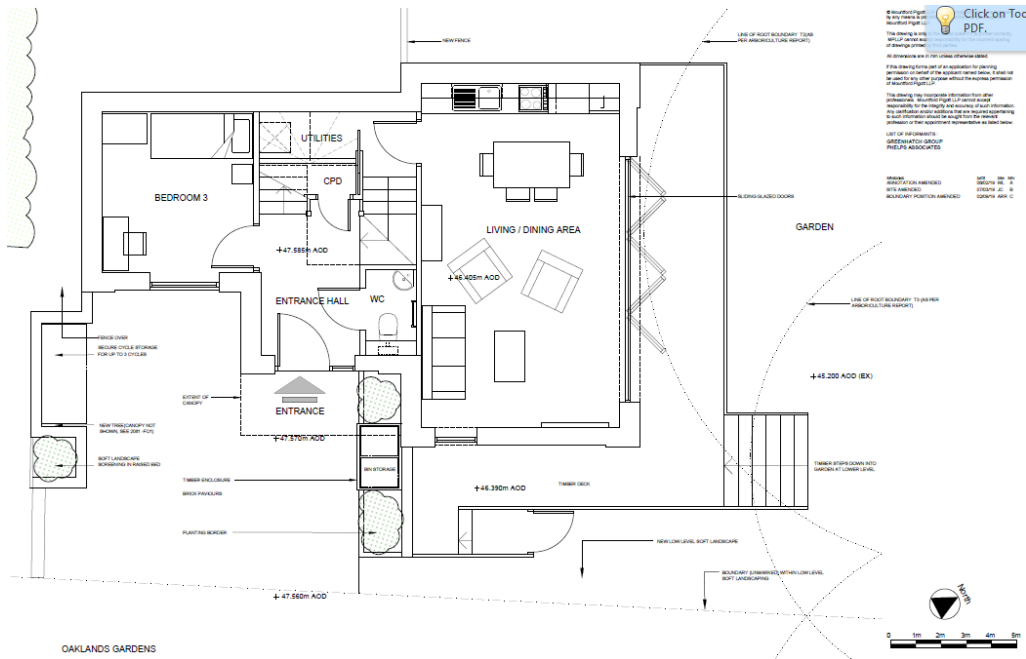
- 8.11 The area is residential in character and policy DM10 protects the first 10 metres of private amenity space from direct overlooking. The proposed house would be situated more than 10m from the rear wall of the host building – with no windows in the side elevation of the proposed house, facing the host building in order to minimise overlooking to the garden area.
- 8.12 Representations received regarding the use of the existing amenity space, which includes land which wraps around the proposed house. The agent sent email dated 10th March 2020 clarifying existing and proposed arrangements. The agent advised “the freehold to both apartments is retained by the applicant with a lease to use part of the external amenity space granted to No 5 Oaklands Gardens (the ground floor flat). No. 5 Oaklands Gardens enjoys rights to the western part of the front garden and also a small rear garden. No 6 Oaklands Gardens enjoys rights over the eastern part of the site to the front and rear of the property”. The agent has also advised “the northern part of the site (the application site) is unenclosed along its eastern boundary and is consequently unsecure, semi-public and cannot be enjoyed as private amenity space. Over the years this area has been routinely fly-tipped and the shed located in this part of the site cannot be relied upon for secure storage. The southern or “front”

part of the site actually enjoys a greater degree of enclosure and privacy and is planted and maintained as garden space as well as the access to the ground floor flat. The utilised external area only extends to the space demised to the ground floor flat and the eastern part of the site only extending as far as the area of hard-standing behind the property. This arrangement is slightly unusual and subverts the conventional arrangement of public space to the front of a property and private secure space to the rear. Consequently, the applicant considers that it is entirely reasonable to include the area to the south or front of the property as part of the amenity space calculation and to consider the two flats as both forming part of the “host property” and the retained area in aggregate.”

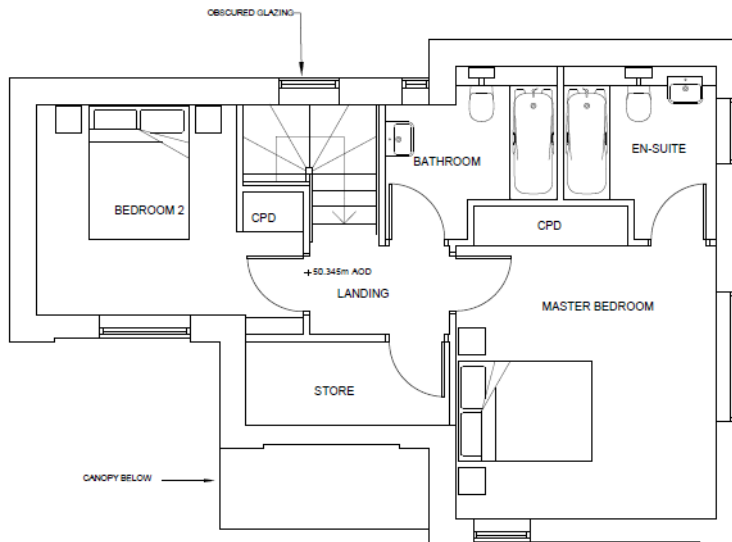
- 8.13 The agent advised “drawing 2081-P09-A clearly illustrates the retained area for the “host property”. The external area demised to the ground floor flat will remain exactly as existing in the event that the proposal is consented and constructed and the occupants will continue to enjoy rights and amenity as they do currently. The area of external space demised to the first floor flat will be reduced however (i) the area was never used as a private secure garden space so there is no loss of quality garden space (ii) the implementation of the consent will result in a greater degree of enclosure for the first floor flat’s garden thereby enabling an improvement on the quality and usability of the space and (iii) it is the intention of the applicant / freeholder to retain both properties thereby enabling high quality landscaping to be implemented on both sites to the benefit of all occupants. Details of how the use of this land would be subdivided and used by the host building can be secured by condition. Concern has also been raised regarding the use of the roof. It is recommended to impose a condition on the decision that the roof area of the house cannot be used as a terrace/for recreational purposes.
- 8.14 Many representations have been received raising concerns over loss of light/loss of privacy/overlooking. A condition would be imposed regarding boundary screening adjacent to the host building to ensure adequate screening is provided as part of a landscaping condition. No windows are proposed in the south-western elevation facing the host building and obscure glazed windows would be provided in the north-western elevation serving a bathroom and stairwell which would be conditioned obscure glazing. The proposed bedrooms would have front facing windows with one of the bedrooms having a front and side facing window (with the side window facing onto the railway line). The proposed amenity space would be located adjacent to the railway line in order to minimise overlooking to neighbouring gardens.
- 8.15 7 Oaklands Gardens is opposite the private access road and the proposed house would project beyond the rear building line of this neighbouring property. The proposed walkway leading to the front door of the proposed house would be approximately 7.5m from this neighbouring property with the proposed building mass being 8.6 metres to the side. Whilst there are no windows within the side elevation to 7 Oaklands Gardens, a planning condition is recommended requiring a 1.7m high solid screen to the south-eastern side of the raised decking/walkway adjacent to the front boundary in order to minimise any overlooking into the rear garden of this neighbouring property. .
- 8.16 Following consideration of all the various amenity impacts (including noise/light pollution/general disturbance) officers are satisfied that the proposed development would not have a significant effect on the amenities of neighbouring properties.

Residential Amenity of Future Occupiers (Overall Residential Quality)

8.17 The proposed dwelling should be designed in line with the standards set out in the Nationally Described Space Standards (NDSS), and the London Plan Housing SPG, particularly with regard to minimum floor space standards (including minimum sizes and widths for rooms/storage).



Proposed ground floor plan



Proposed first floor plan

8.18 The standards require a 3 bedroom (5 persons) unit over 2 floors to have a minimum internal floor area of 93 m² with 2.5m built in storage. The dwelling would meet the Technical standards and provide a good standard of accommodation in terms of layout and daylight.

- 8.19 As regards external amenity space, the London Housing SPG states that a minimum of 5 sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm for each additional unit. A raised decking area would be provided with steps down to the lower land level due to the topography of the site, which is considered acceptable. Overall, the scheme would provide a good standard of private amenity space.
- 8.20 The amenity space for the host building would wrap around the building. No windows are proposed facing the host building and two windows in the north-western elevation which would be conditioned obscure glazing. It is considered the siting of the amenity space for the host building would not have a significant effect on future occupiers of the proposed house as to warrant a refusal.
- 8.21 Representations received regarding ownership/access rights/deeds/how the property would be accessed, given the proposed house would be situated adjacent to a private access road. A revised site plan has been submitted showing a revised site boundary also the agent has sent an email dated 10th March 2020 stating “the current proposals have no off-street parking provision therefore the matter of access relates solely to pedestrian access to the site as illustrated in the planning application drawings. The client has consulted his solicitors who have confirmed that there is ~~a~~ an unfettered right of access from Oaklands Gardens into the application site in the location shown on the application drawings. The matter of this access not being available is not a legal possibility”. Representations state a security gate has now been installed. Ownership issues/access rights/deeds are matters between third parties and are not planning considerations. Any grant of planning permission does not give a person the legal right to use land outside of their control. It is recommended for an informative to be attached informing the applicant that the permission does not give ownership rights and for the applicant to check the siting of the proposed house in relation to the boundaries and any rights of access/ownership issues addressed and approved prior to construction.
- 8.22 Cycle and refuse storage is shown to the front of the proposed dwelling – with detailed design to be finalised through discharge of conditions.

Highways and Parking

- 8.23 The site has a PTAL rating of 2 which means very poor accessibility to public transport links. That said, Kenley Train Station is located approximately 300 metres from the application site and has links to London Bridge, Croydon and Caterham. The nearest bus stops (Route 434) are at Oaks Way and Oaks Road (less than 50 metres from the application site). Bus stops for Route 407 can be found approximately 300 metres away from the site. These routes link the site to Caterham, Whyteleafe, Kenley, Coulsdon, Purley, Croydon, Waddon, Wallington, Carshalton and Sutton.
- 8.24 Representations received have raised the issues of insufficient parking/insufficient space in surrounding roads/private access road/a revised parking survey should be submitted. To the front of the site is a private access road and concerns have been raised regarding the use of this access road. The applicant has now chosen to omit parking from the proposal. The Suburban Design Guide SPD indicates that the borough will encourage lower parking provision than the maximum car parking standards set in both the current and draft New London Plan. However it further advises that in areas of very low transport accessibility (such as in areas of PTAL 0-1) it will be harder to access sustainable transport and therefore it may be more difficult

to reduce reliance on private cars. It advises that in these areas the Council will seek to accommodate all parking within the site (off street) and any anticipated need for on street parking will be judged on a case by case basis. Whilst this approach recognises that the use of the private car might continue to be the preferred transport choice of future residents in this area, the direction of policy is to reduce reliance on the private car in favour of more sustainable transport choices.

- 8.25 In this case, the applicant has undertaken a parking beat survey that indicates that there is an adequate level of spaces to park on neighbouring roads to accommodate any parking from the proposed development. The survey data indicates an average stress of 59% across the whole study area, equating to 35 remaining parking spaces within a 200 metres walking distance of the site. Oaklands Gardens experiences an average parking stress of 45%, equating to 5 available parking spaces. This helps to demonstrate that Oaklands Gardens alone can comfortably accommodate an additional 2 space demand created by the development proposal. Whilst the surveys were undertaken outside school term time, the survey results revealed an abundance of spaces and as such it is not expected that the slight increase in parking that could occur during term time would prevent future residents from parking on-street overnight.
- 8.26 Having considered the proximity to public transport services and the parking survey and additional information provided showing the parking availability in the vicinity, it is considered (on balance) that there would be space on the road network to accommodate any additional parking demand.
- 8.27 Representation raised regarding impact on parking from another scheme in the vicinity. Application 19/05920/FUL was quoted which is for the construction of a 2 and 1/2 storey detached dwelling house with 2 off-street parking spaces at 10 Oaks Way which is currently under consideration. The submitted drawing shows the proposed house would be 4 bedroom house and a room has been entitled a study and 2 off-street parking spaces are proposed. This application is still under consideration. Each application is judged on its own individual merits. Given 2 off-street parking spaces are proposed, it is unlikely this scheme together with the application under consideration would result in a significant impact on on-street parking in the vicinity, however the merits of this case is still under assessment.

Trees and Environment

- 8.28 There is a Tree Preservation Order on the site (TPO 7, 2001) which protects trees situated on the rear boundary. An Arboricultural Tree Report/Tree Protection Plan has been submitted. The siting of the proposed house in relation to the trees is considered acceptable. It is recommended for these to be conditioned

Environment and Sustainability

- 8.29 SP6.4 of the Croydon Local Plan 2018 - To ensure that the principles of sustainable drainage are incorporated into the development and to reduce the impact of flooding. The site falls within an area identified for surface water flooding/critical drainage area. It is proposed to connect to the mains sewer. The Design and Access Statement states the site falls within a Flood Zone 1. The drawings show permeable paving and the provision of a water butt. It is recommended for a landscaping condition to be imposed for SUDs/permeable paving/soft landscaping and a condition imposed for the provision of a water butt, these are considered acceptable. Given the proposal is for a house,

conditions would 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.

Other Planning Considerations

- 8.30 During the officer's site visit, it was noted the site was heavily overgrown. A preliminary Ecological Appraisal was submitted for assessment and officers are satisfied that any impacts will be minimal – although a condition is recommended to ensure that ecological issues are suitably safeguarded. Ecological conditions and an informative are therefore recommended.
- 8.31 The rear of the site adjoins a railway line. Network Rail were consulted and have advised the applicant/developer should comply with the comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land. This advice has been forwarded to the agent. It is recommended for an informative to be placed on the decision informing the applicant of the relevant requirements/contacts.
- 8.32 Representations received regarding noise and disturbance/emergency vehicles/construction/deliveries. Noise and disturbance due to construction, is part of the build process. It is recommended for a condition to be attached for a Construction Logistics Plan to be submitted and approved prior to the commencement of the development and for an informative to be placed on the decision bringing the owners attention to the Councils code for construction sites which should be adhered to. Access rights for construction is a matter between third parties.

Conclusions

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