

1.0 APPLICATION DETAILS

Ref: 19/01265/FUL
Location: Land R/O - 62 Mayfield Road, South Croydon, CR2 0DS
Ward: Sanderstead
Description: Demolition of existing garage and erection of two storey, four bedroom detached house with associated access between 39 - 41 Heathhurst Road, South Croydon, CR2 0BB (amended description)
Drawing Nos: 07 Rev A, 08 Rev A, 09 Rev A, 15 Rev C, 16 Rev A, 17 Rev A, 18,
Agent: Mr Brian Gatenby
Applicant: Mr Yousef Jabaroti
Case Officer: Tim Edwards

- 1.1 This application is being reported to sub-committee at the request of Cllr Lynne Hale and because representation in excess of the Committee Consideration Criteria have been received.

2.0 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 carried out wholly in accordance with the approved plans
- 2) External facing materials to be submitted and approved
- 3) Hard and soft landscaping including details of replacement trees to be submitted
- 4) Prior to the occupation of the development details of (1) Security lighting shall be provided (2) Bird and bat boxes
- 5) Refuse store(s) detailed to be submitted and approved
- 6) Cycle stores to be provided as specified within the application
- 7) In accordance with the submitted arboricultural report and tree protection plan
- 8) Removal of permitted development rights
- 9) Water usage and carbon dioxide reduction
- 10) If during development, contamination is found, no further works until a remediation strategy has been submitted and approved
- 11) Foul water/surface water details to be submitted and approved
- 12) No infiltration of surface water drainage without approval of Local Planning Authority
- 13) Submission and approval of Construction Logistics Plan

- 14) Commence within 3 years of the date of the permission
- 15) Any other planning condition(s) considered necessary by the Director of Planning & Strategic Transport

Informatives

- 1) Community Infrastructure Levy – Granted
- 2) Code of Practice on the Control of Noise and Pollution from Construction Sites
- 3) Wildlife protection
- 4) Any other informative(s) considered necessary by the Director of Planning & Strategic Transport

3.0 PROPOSAL AND LOCATION DETAILS

Proposal

3.1 The applicant seeks full planning permission for the:

- Demolition of the existing garage.
- Erection of a four bedroom detached dwelling at ground and lower ground floor levels
- Use of the existing associated access from Heathurst Road
- Provision of associated parking, landscaping, cycle and refuse stores.

Site and Surroundings

- 3.2 The application site lies on the western side of Heathurst Road sited to the rear of 37 to 39 Heathurst Road. The site comprises of an undeveloped piece of land historically used as a tennis club (1910). Prior to this time the site formed part of Sanderstead Plantation with Heathurst Road marked out in 1890.
- 3.3 There is some conflicting history as to the sites later designation. From looking at the historical maps and planning indicates the site was vacant in 1940. The next planning records date to 1953 for the erection of three detached dwellings now known as 35-39 Heathurst Road. From the approved plans in 1953 the rear gardens do not appear to be included within the area which is now subject to this application. The precise use class of the land is therefore unknown however two detached outbuildings stood on this site until recently.
- 3.4 The surrounding area is residential in character and comprises of both detached and semi-detached properties with the majority dating back to the turn of the 20th Century with some later inter-war houses.
- 3.5 The application site is at risk of surface water and critical drainage flooding as identified by the Croydon Flood Maps. The site is not subject to a Tree Preservation Order.

Planning History

3.6 There is no planning history associated with the site directly, however the following applications are relevant to the proposal, being located on the site adjacent:

- 19/01437/DISC - Discharge of Conditions 2 (security lighting, bird and bat boxes), 3 (CLP/MS) and 6 (landscaping) attached to PP 18/05015/CONR for the demolition of existing garages and erection of a four bedroom detached house with associated access (Variation of Condition 1 attached to PP 18/01641/FUL): **Conditions Fully Discharged.**
- 18/05015/CONR - Demolition of existing garages and erection of a four bedroom detached house with associated access (Variation of Condition 1 attached to PP 18/01641/FUL): **Permission Granted.**
- 18/01641/FUL - Demolition of existing garages and erection of a four bedroom detached house with associated access: **Permission Granted.**
- 15/03163/P: Demolition of existing garages; erection of two/three storey four bedroom detached houses; formation of associated access way, hard standings, external works and landscaping. Planning permission was refused on the following grounds:
 - 1) The development would result in an inappropriate form of back land development which would harm the character of the locality.
 - 2) The development would be out of keeping with the character of the locality, detrimental to the visual amenity of the townscape by reason of its cramped layout, unsatisfactory relationship with adjoining occupiers, its scale, design and prominent siting.
 - 3) The design and layout of the access road and parking areas would not be safe, secure, efficient and well designed.

3.7 An appeal was lodged against this refusal and was later dismissed on the 10th May 2016 on the following ground:

- 1) The development would have an adverse effect on the character and appearance of the area.

4.0 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- a. The residential nature of the development can be supported in principle
- b. The development would have limited impact upon the character and appearance of the surrounding area.
- c. The development would have an acceptable relationship with neighbouring residential properties.
- d. The standard of accommodation for future occupiers is acceptable
- e. Access, parking and turning arrangements are acceptable.
- f. Flood risks can be appropriately addressed through the use of conditions
- g. The development would not harm any ecological interests.

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 The application has been publicised by way of 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: 49 Objecting: 40 Supporting: 9

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:

| Objection | Officer comment |
|---|---|
| <i>Principle of development</i> | |
| Out of keeping development. | This is addressed in section 3.2 to 3.3 and 8.2 to 8.4 of this report |
| <i>Design and appearance</i> | |
| Out of keeping with the surrounding area –overbearing scale, mass, depth, height and appearance and density. Fails to achieve high quality design | This is addressed in section 8.5 to 8.7 of this report. |
| <i>Impact on amenities of neighbouring properties</i> | |
| Adverse impact on neighbouring properties – loss of privacy, overbearing, visually dominant, outlook, light and noise. | This is addressed in section 8.19 to 8.22 of this report. |
| <i>Trees and ecology</i> | |
| Loss of trees | This is addressed in sections 8.23 to 8.24 of this report. |
| Loss of habitats/impact upon ecology. | This is addressed in section 8.25 of this report. |
| <i>Highways and parking</i> | |
| Increased traffic. | This is addressed in section 8.8 to 8.14 of this report. |

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| The vehicular access width is against council guidance. | This is addressed in section 8.8 to 8.14 of this report. |
| Lack of access for emergency vehicles. | This is addressed in section 8.8 to 8.14 of this report. |
| <i>Other material considerations</i> | |
| Concerns of security | This is addressed in section 8.36 of this report. |
| Detrimental impact caused by proposed refuse collection arrangements. | This is addressed in section 8.36 of this report. |
| Risk of flooding caused by the development. | |
| Local transport, schools and health services are already over stretched. | The development will be CIL liable. This is addressed at section 8.40 of this report. |
| Contrary to previous decision taken by the Local Planning Authority. | No applications have been made relating to this site and therefore there are no inconsistencies in the approach the council has undertaken. It is however important to note that regardless of this point, each application is judged on its own merits, based upon the relevant planning considerations and policies/guidance. |
| Contamination within existing garage. | This is addressed in section 8.29 to 8.30 of this report. |
| The proposed inspector's decision in relation to the adjoining site should be given very little, if any weight as it was related to the council's previous guidance. | The previous appeal decision is relevant to the proposal on highways/access terms. Whilst the policies have amended, the details set out by the inspector remain a material planning consideration. This is addressed in section 8.10 to 8.14 of this report. |
| <i>Procedural or non-material comments</i> | |
| If the council approve this scheme, the residents will consider initiating a Judicial Review. | The council has considered the application accordingly, in line with the relevant processes and procedures. |

| | |
|---|--|
| <p>What research have the council undertaken in regards to ensuring that both developers for this and the adjoining site have access rights over the proposed access?</p> | <p>The applicant has submitted the relevant application form, having provided notice to the adjoining land owner in line with statutory procedures for planning applications. Regardless of this any queries over the rights of access are a civil matter and not a planning consideration</p> |
| <p>The proposal will only benefit those who financially gain.</p> | <p>This is not a planning consideration.</p> |

6.3 Councillor Lynne Hale has objected to the scheme, making the following representations:

- Out of character: It would be uncharacteristic of the verdant back garden environment found between Heathhurst Road and Mayfield Road and fails to respect the surrounding area's character and appearance.
- The density and massing of the proposed development would be completely out of character in this back garden site
- The layout of the proposal is overly cramped and is an overdevelopment of this back garden site taking up a large portion of the site and right up to the boundary edges
- It would be detrimental to the visual amenity of residents living nearby due to its significant detrimental impact on the site's character and appearance
- The single property would make a very modest contribution to the housing supply in the Borough and would fail to offer sustainable development due to the visual harm it would cause
- Access – the proposed access is too narrow for the anticipated use at just 2.85m in width and there are highway safety concerns due to inadequate visibility splays
- Loss of trees: The felling of trees which has taken place on this previously heavily wooded garden site is deeply regrettable and especially so at a time when we are trying to improve air quality. Any further losses would breach Croydon Local Plan Policy DM10.8 which states that the Council will c) seek to retain existing landscape features that contribute to the setting and local character of the area; d) retain existing trees and vegetation including natural habitats. "The need to deliver of thousands of new homes does not outweigh the need to respect the local character and amenity and to protect biodiversity" Croydon Local Plan
- The submitted plans fail to show any such re-planting or screening to protect residential amenity
- Inadequate refuse arrangements – in is unacceptable to have the waste bins left on the pavement in Heathhurst Road on collection days
- Loss of natural habitat for wildlife including birds and stag beetles

6.4 Nine representations supporting the proposal has also been submitted stating:

- Homes are needed.

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

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
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 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
- 7.2 Designing out crime
- 7.4 Local Character
- 7.6 Architecture
- 7.14 Improving air quality
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland

Croydon Local Plan 2018 (CLP 2018):

- SP2 Homes
- SP4 Urban design and local character
- SP6 Environment and climate change
- SP8 Transport and communications
- DM1 Housing choice for sustainable communities
- DM10 Design and character
- DM13 Refuse and recycling
- DM16 Promoting healthy communities
- DM19 Promoting and protecting healthy communities
- DM23 Development and construction
- DM24 Land contamination
- DM25 Sustainable drainage systems and reducing flood risk
- DM27 Biodiversity
- DM28 Trees
- DM29 Promoting sustainable travel and reducing congestion
- DM30 Car and cycle parking in new development
- Applicable place-specific policies

7.4 The relevant Supplementary Planning Guidance is as follows:

- London Housing SPG (March 2016)
- London Mayoral Affordable Housing SPG: Homes for Londoners (August 2017)
- The Nationally Described Space Standards (October 2015)
- Suburban Design Guidance (SDG) (SPD) (2019)

8.0 MATERIAL PLANNING CONSIDERATIONS

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

- The principle of the proposed development
- The impact on the townscape and the visual impact;
- Transportation considerations
- The impact on the residential amenity of adjoining occupiers;
- Trees and biodiversity
- The living conditions provided for future occupiers;
- Flooding and contamination.

Principle of development and the established need.

8.2 The site is currently vacant, barring the existing garage on-site (which is proposed to be demolished). The removal of the existing garage and erection of a new four bedroom home would result in an additional family home located within a residential area. The principle of the development can therefore be supported subject to the other material planning considerations set out below.

- 8.3 The site is in a suburban setting with a PTAL rating of 2 and as such the London Plan indicates that the density levels could range from 150 - 250 habitable rooms per hectare (hr/ha). The proposed density of this development would be significantly below this range with the proposed development totalling 180hr/ha. Regardless, the London Plan states that it is not appropriate to apply these ranges mechanistically, as the density ranges are broad, to enable account to be taken of other factors relevant to optimising potential – such as local context and design.
- 8.4 Objectors have raised that if the proposed development were to be approved, it would go against the council’s decision to refuse planning permission in 2015 under ref. 15/03163/P. Firstly, it should be noted that this proposal refers to a different parcel of land (bar the shared access way) and therefore whilst this refusal is relevant it is the councils duty to consider this proposal on its own merits. Whilst the council did refuse ref. 15/03163/P (on the basis that it would result in an inappropriate form of back land development which would harm the character of the locality), the proposed dwellings were solely within the area highlighted in green (shown within figure 1) unlike this proposal which cumulatively across the two sites combined would create two individual units. It should also be noted that the Croydon Local Plan 2018 (CLP 2018) and Suburban Design Guide in 2019 (SDG 2019) have both been adopted since this decision was made by the Local Planning Authority. Both of these relevant documents support making the most efficient use of land, including back land sites such as this one.

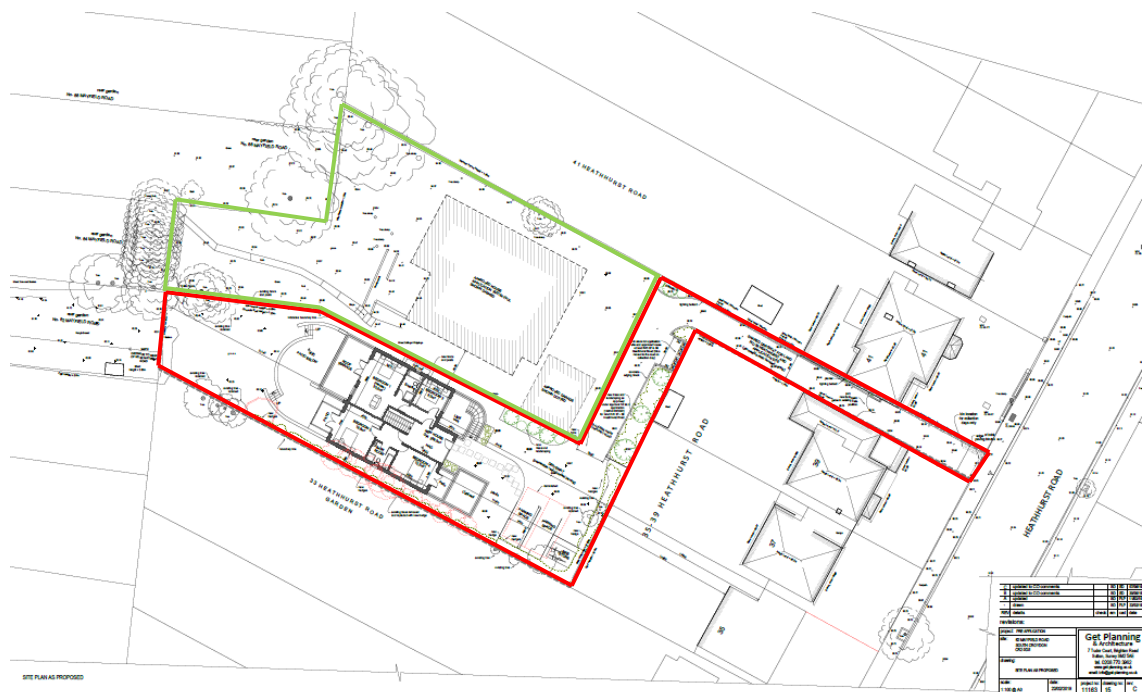


Figure 1: Proposed Site Plan

Townscape and Visual Impact

- 8.5 The proposed dwelling would utilise the land levels apparent throughout the site, creating a single storey element (with lower ground floor lightwells) when viewed from the rear of 37 – 39 Heathhurst Road. Please see figure 2 below which shows the ‘proposed front streetscene elevation’ of the development with adjoining site (ref. 18/01641/FUL) shown for context.

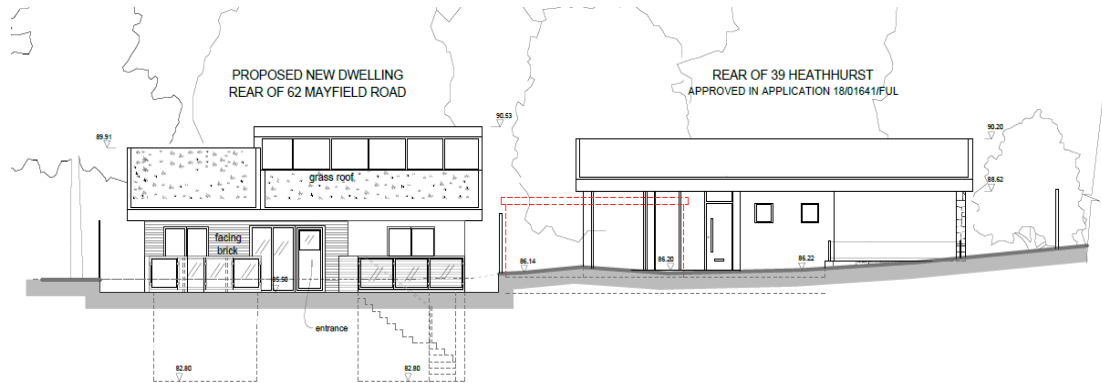


Figure 2: ‘Proposed Front Streetscene Elevation’

- 8.6 The proposal is considered to respond well to the sites backland nature and context whilst taking into account the already approved development on the adjacent plot. Although this is notably different in form and design to the surrounding area, taking into account the proposed use of appropriate materials including brick and sedum roofs, overall the proposal is considered to have an acceptable impact upon the surrounding areas character and appearance.
- 8.7 Objections have raised the proposed use of glass balustrades within the development. Whilst it is noted that with the SDG 2019 sets out that glass balustrades can dominate the appearance of a development, as this proposal is for one dwelling, in a backland setting well separated from the adjoining occupiers, overall its proposed usage is not considered to be unacceptable.

Transportation Considerations

- 8.8 The site has a PTAL rating of 2 which indicates moderate accessibility to public transport however is within a reasonable walking distance of Sanderstead Station and the 403 Bus Route.
- 8.9 A total of 2 formal parking spaces are proposed on site with the ability for more informal parking spaces to be provided solely without impacting upon the shared access route with the adjoining development. The proposed number of formal parking spaces would meet the maximum standards set out by the London Plan and CLP 2018, which states for 4 or more beds, up to 2 car spaces could be provided. Whilst it is acknowledged that the surrounding area and notably Heathhurst Road is congested with parked vehicles, the site is capable of providing sufficient parking and therefore it is unlikely that any overspill would occur.
- 8.10 Representations have raised concerns over the width of the access road in terms of highway safety and fire access, whilst also detailing that the proposed access does not meet the proposed guidelines set out by the SDG 2019. Para.2.29.7 of

the SDG states that “entrances should generally be of a width that meet the criteria set out in figure 2.29e” (please see figure 3 below). However, this para continues to state that “where an existing entrance is narrower, the acceptability of this will ‘be judged on a case by case basis’”. Also of relevance within the SDG, is point 2.29.10 which sets out that “where emergency of service vehicle access is not possible, such as back land sites with narrow driveways, alternative service requirements should be discussed with the relevant authority”.

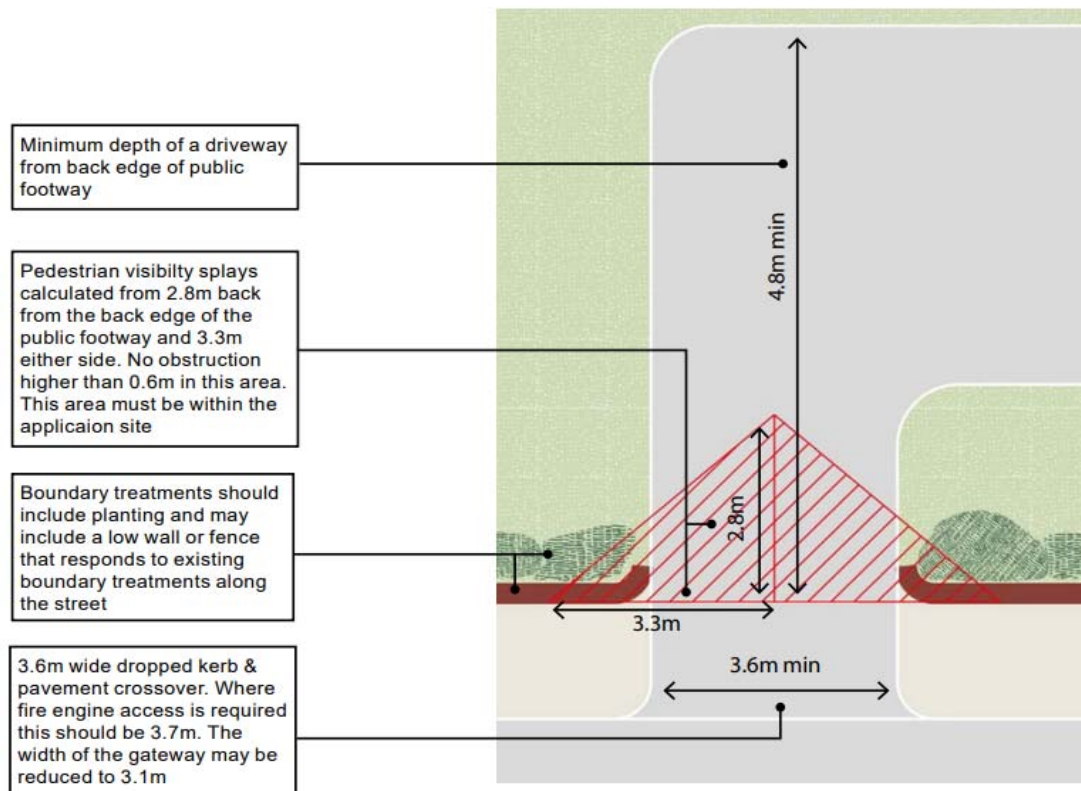


Figure 2.29e: Requirements for driveway design. Figure 3: 'Figure 2.29e from the SDG 2.29e.

8.11 The existing access was also considered by the PINS within the appeal for two houses on the adjoining site. The inspector set out in relation to the existing access usage and gradient that

“The development would utilise an access of around 2.5 metres in width, which has quite a steep gradient. I accept that compared to any historic use of this access the appeal development would be likely to result in its greater use. However, vehicles emerging onto the public highway would, because of the gradient of the access, be travelling at comparatively low speeds”.

8.12 The inspector continued in regards to vehicles meeting/waiting for another to enter/exit the site, stating that

“There would be some likelihood of vehicles having to stand on the public highway should another vehicle be seeking to exit the access at the same time. However, I find given: the likely frequency of such occurrences; the nature of

Heathhurst Road as a residential side street; and the speed of the traffic using this street, that any vehicle queuing associated with this development would neither cause undue interruptions to the flow of traffic nor any significant danger to other road users”.

8.13 In relation to highway safety and emergency access, PINS stated that

“In the absence of any stated objection from either the Highway or Fire Authorities and with the interest of the Fire Authority being subject to other legislation, I am not persuaded that the suitability or otherwise of the access for the use by emergency vehicles is something that would be grounds for the dismissal of this appeal.”

8.14 Taking into account the previous appeal decision, within which the inspector stated that *“taking all of the above considerations into account I am not persuaded that any increases in the use of the site access or on-street parking would be prejudicial to highway or pedestrian safety”*; that the SDG will judge the acceptability of existing accesses on a case by case basis, that issues such as emergency access are a consideration for building control and not a material planning consideration; therefore subject to relevant conditions the development is considered to be acceptable on highway grounds.

8.15 Two cycle storage places are proposed to be provided adjacent to the proposed parking spaces and are overall considered acceptable and in accordance with policy.

8.16 The proposed refuse storage will be located within the sites boundary and then brought to a collection point on the relevant days. Representation have questioned that utilising the council landfill bins sizes, the proposed access which is 3 metres adjacent to the public footway, would be reduced to 2.38 metres and would not allow access for vehicles. Whilst this is noted, a vehicle could pass the bins on refuse days without being detrimentally impacted. It is important to note that whilst parking bay spaces require a minimum width of 2.4 metres, this is to allow individuals to enter and exit a vehicle. As this is not a safe or designated spot for stopping, overall this approach is considered satisfactory and will be secured by condition.

8.17 As with the adjoining site, owing to the constraints of the sites location within a residential area, a Construction Management Plan (CMP) will be required via condition. This condition would require a CMP to be submitted and approved prior to the commencement of any works on site.

8.18 Subject to conditions in relation to the above the development would be acceptable on highway grounds.

Impact on Neighbouring Residential Amenity

8.19 The proposed development would utilise the existing land levels, being set well below the properties fronting Heathhurst Road and above those fronting Mayfield Road, as shown by figure 4. At its closest point, the building would be

approximately 26 metres from the properties fronting Heathhurst Road and approximately 32 metres from those fronting Mayfield Road.

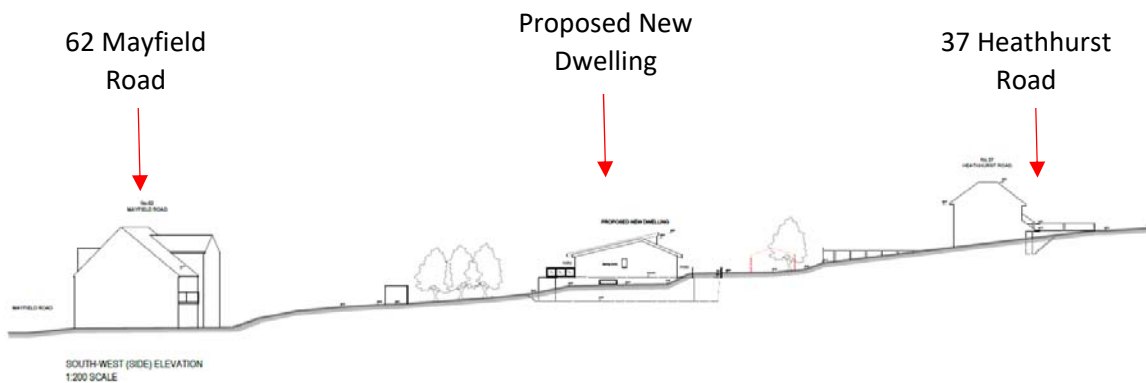


Figure 4: North West Flank Elevation detailing adjoining occupiers

- 8.20 The proposed development is considered to have acceptable separation with the adjoining building approved by ref. 18/01641/FUL and amended by ref. 18/05015/CONR. Additional details are proposed to be secured via condition in relation to the rear balustrading details to ensure that there is no unacceptable overlooking from the proposed rear balcony areas into the adjoining occupiers rear gardens.
- 8.21 Only non-habitable windows are proposed flank elevations. Taking into account the addition of proposed boundary screening and that at ground floor level it is proposed these windows would be conditioned to be obscure glazed/non-opening up to 1.7 metres from the internal floor height, overall there is not considered to be any loss of privacy for the adjoining occupiers.
- 8.22 Given that the proposal is for a residential use in a residential area, overall it is considered that the proposed development would not result in undue noise, light or air pollution from an increased number of occupants on the site.

Trees and Biodiversity

- 8.23 The site currently includes some tree coverage, which is noted to have been reduced prior to a formal application having been submitted. None of the existing or previously removed trees are subject to a tree preservation order and are overall considered to provide, at best moderate amenity value to the wider area.
- 8.24 The proposed protection measures for the trees to be retained is considered acceptable, with the proposed removal of the trees, mostly along the boundary with 33 Heathhurst Road not resisted subject to acceptable replacement trees/hedges to be planted. Further details relating to the new trees are proposed to be secured via condition alongside a detailed landscaping scheme for the proposal and therefore overall the proposal is considered to comply with Policy DM28 of CLP 2018.
- 8.25 A phase 1 habitat survey has been provided with the proposal detailing that the site is of little ecological value. Whilst representations have been made in regards to the loss of protected species and their habitat, the ecology survey has not

identified any detrimental impact in regards to these. The report has however proposed small scale mitigation methods which would encourage biodiversity by way of bird and bat boxes being introduced on site as well as a soft landscaping scheme which includes native species of plants (and can be secured by condition).

The standard of accommodation for future occupiers

- 8.26 The development would provide a good standard of accommodation and would contribute to the Borough's need for new family homes. The dwelling would meet the minimum space standards set out in the "Technical Housing Standards March 2015".
- 8.27 The dwelling would be provided with a substantial garden, which is well above the minimum standards set out and provides acceptable external private amenity for any future occupier.
- 8.28 The proposals is considered to create a good standard of internal and external accommodation for any future occupier of the site.

Flooding and Contamination

- 8.29 The Environment Agency commented on the application setting out that if the proposal were to be recommended for approval, conditions relating to any potential contamination, connection to foul and surface water drainage system should be included on the application. This approach is supported and added accordingly.
- 8.30 Concerns have been raised by adjoining occupiers in regards to the potential for asbestos to be present within the existing garage. As outlined above, a condition is proposed to be added to the proposal should any contamination be found on site. This will require the applicant to submit a remediation strategy to the Local Planning Authority and then have this approved prior to any further works being undertaken. It is also of note that the removal of asbestos is a matter for the Health and Safety Executive and therefore the applicant, is advised to consider this point and ensure compliance with other statutory guidance outside of planning legalisation prior to undertaking any works on-site.

Other matters raised by representations

- 8.31 Representations have raised concerns that local services will be unable to cope with additional residents moving into the area. The development will be liable for a charge under the Community Infrastructure Levy (CIL). This payment will contribute to delivering infrastructure to support the development of the area, such as local schools.

Conclusions

- 8.32 The principle of development is considered acceptable with an appropriate design ethos which responds to the site constraints. The proposed impact upon the highway network and parking provision is considered acceptable and that suitable replacement trees are proposed to be planted alongside ecological

measures. The proposal is therefore overall considered to be in accordance with the relevant policies.

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