

**1.0 APPLICATION DETAILS**

Ref: 19/05106/FUL  
 Location: Land Adjoining 96 Beulah hill and 1-24 Founders Gardens.  
 Ward: Crystal Palace and Upper Norwood.  
 Description: Erection of 3 x 2-storey and 5 x 3-storey 3 bedroom dwellinghouses with associated car and cycle parking, waste stores, amenity space and landscaping.  
 Drawing Nos: PL-001 (Received 28/10/2019), PL-010 (Received 28/10/2019), PL-020 (Received 28/10/2019), PL-200 (Received 28/10/2019), PL-201 (Received 28/10/2019), PL-202 (Received 28/10/2019), PL-203 (Received 28/10/2019), PL-400 (Received 28/10/2019), PL-401 (Received 28/10/2019), PL-402 (Received 28/10/2019), PL-403 (Received 28/10/2019), PL-410 (Received 09/01/2020), PL-411 (Received 28/10/2019), PL-413 (Received 28/10/2019), PL-511 (Received 28/10/2019), PL-512 (Received 28/10/2019), PL-513 (Received 28/10/2019), Tree Protection Plan (Received 28/10/2019), 1467\_TSP (Received 28/10/2019).  
 Agent: Alsop Verrill  
 Applicant: CESA Developments  
 Case Officer: Paul Young

|                 | <b>studio</b> | <b>1 bed</b> | <b>2 bed</b> | <b>3 bed</b> | <b>4 bed (+)</b> |
|-----------------|---------------|--------------|--------------|--------------|------------------|
| <b>Existing</b> | 0             | 0            | 0            | 0            | 0                |
| <b>Proposed</b> |               |              |              | 8            |                  |

*All units are proposed for private sale*

| <b>Number of car parking spaces</b> | <b>Number of cycle parking spaces</b> |
|-------------------------------------|---------------------------------------|
| 8                                   | 16                                    |

1.1 This application is being reported to committee following a referral from Cllr Stephen Mann and due to the receipt of objections exceeding the threshold set out in the Croydon constitution.

**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) Development to be carried out in accordance with the approved drawings and reports except where specified by conditions
- 2) Commencement time limit of 3 years
- 3) Samples of external materials to be submitted
- 4) Submission of hard and soft landscaping/tree planting plan including boundary treatments
- 5) Compliance with Tree Protection Plan
- 6) No additional windows in flank and rear elevations above ground floor without consent
- 7) Access Road and car parking to be provided as shown
- 8) Visibility splays to be provided/retained
- 9) Details of electric vehicle charging points (EVCPs)
- 10) Submission of Construction Logistics Plan
- 11) Requirement for 19% Carbon reduction and 110 litre Water usage
- 12) Details of site specific SUDS to be submitted
- 13) Removal of permitted development rights for all extensions to dwellings and outbuildings on site.
- 14) Implementation of waste/recycling areas prior to occupation of flats
- 15) Implementation of approved cycle parking prior to occupation of flats.
- 16) Compliance with mitigation measures set out in Preliminary Ecological Appraisal
- 17) Details of removal of Japanese Knotweed.
- 18) Requirement for a Biodiversity enhancement plan
- 19) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport

#### INFORMATIVES

- 1) Community Infrastructure Levy
- 2) Highway/Crossover Works
- 3) Any other informative(s) considered necessary by the Director of Planning and Strategic Transport

### 3.0 PROPOSAL AND LOCATION DETAILS

#### Proposal

3.1 The applicant seeks full planning permission for the:

- Clearance of the site including removal of some of the existing trees/vegetation
- Erection of 3 x 2-storey and 5 x 3-storey 3 bedroom dwellinghouses
- Provision of access and parking area in the western part of the site providing 8 car parking spaces
- Provision of new boundary treatments, 16 cycle parking spaces, and hard and soft planting/landscaping

#### Site and Surroundings

- 3.2 The application concerns a long strip of land (0.2099 ha in area) situated on the north-western corner between Beulah Hill Road and Hermitage Road. Immediately to the north of the site lies a three storey terraced residential (flatted) development comprising 1-24 Founders Gardens, whilst the site is also bounded by number 96 Beulah Hill.
- 3.3 The site currently does not contain any built development, and comprises grassland, trees and vegetation. A number of the trees situated towards the Southern Corner of the site are covered by Tree Preservation Orders (labelled T1 – T5 and G1 on TPO 17 2000)
- 3.4 The site does not lie within, but does lie close to the boundary with, the Beulah Hill Conservation Area (which is located on the other side of Beulah Hill and Hermitage Road to the South and East). Further to the South, but located a fair distance away (more than 55m), lies number 79 Beulah Hill, a Grade II Listed Building.
- 3.5 The site has a (mixed) Public Transport Accessibility Level (PTAL) of 2/3 (moderate) and a low risk of surface water flooding (1 in 1000 year). A recent aerial photo of the site is shown below:



 Site.

Aerial View Showing the Site and Surrounding Buildings (Not to scale)

## Planning History

3.6 The relevant planning history of the site is summarised in the table below:

| Reference    | Description  | Decision         | Date |
|--------------|--|------------------|------|
| 19/01383/FUL | Retrospective application to retain 2.4m tall painted plywood hoarding around the site on a temporary basis. | Decision Pending | N/A  |

3.7 An application to retain existing green hoarding erected around the site has been submitted but has yet to be determined. Note that whilst the hoardings on site currently require planning permission, permitted development rights do exist for these so long as they are erected no more three months before building operations commence (Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)). As these have been erected prior to this, planning permission is required.

## 4.0 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The principle of the development is acceptable given the residential character of the surrounding area.
- The design and appearance of the development is of a suitably high quality, and would not harm the character of the site or the nearby heritage assets.
- Subject to conditions, the living conditions of adjoining occupiers would be protected from undue harm.
- The mix of accommodation is acceptable/encouraged and living standards of future occupiers would comply with/exceed National, Regional and Local standards.
- Subject to the suggested conditions the proposed access/layout and level of vehicular parking is acceptable and would not unduly harm highway safety
- Subject to compliance with the proposed landscaping scheme (secured via conditions), no harm would result to visual amenity or biodiversity.
- Subject to compliance with the mitigation measures set out in the Preliminary Ecological Report.
- Subject to conditions, suitable sustainable energy, water and drainage measures can be secured.

## 5.0 CONSULTATIONS

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

## 6.0 LOCAL REPRESENTATION

6.1 Neighbour notification: 44 local addresses have been notified. 2 Site Notices have also been displayed on the public highway along Beulah Hill (at either end of the site). Written objections have been received from 130 addresses.

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:

| (Planning Related) <b>Objection</b>                                       | <b>Officer comment</b>   |
|---|--|
| <i>Design and appearance</i>  |  |
| Overdevelopment of the site   | Addressed in Paragraphs 8.8–8.9 of this report.  |
| Out of character/harmful to the area due to its bulk/siting and design    | Addressed in Paragraphs 8.10-8.16 of this report.  |
| <i>Impact on amenities of neighbouring properties</i>                     |  |
| Loss of light, outlook and privacy to neighbouring properties             | Addressed in Paragraphs 8.25-8.45 of this report   |
| Extra pollution and noise   | This is a residential development and there is no evidence or reason to suggest that the proposal would result in extra pollution or noise that is not associated with a (primarily) residential area. |
| <i>Landscape/Trees</i>  |  |
| Loss/Harm of trees, vegetation and natural habitat                        | Addressed in paragraphs 8.50-8.53 of this report.  |
| <i>Transport and parking</i>  |  |
| Insufficient parking provision and increased parking pressures/congestion | Addressed in paragraphs 8.46-8.47 of this report   |
| Unsafe vehicular access/adverse impact on highway safety                  | Addressed in paragraph 8.47 of this report.  |
| <i>Other matters</i>  |  |
| Strain on public services/infrastructure                                  | If granted permission and implemented, the development would be liable for CIL payments and the units would generate Council Tax   |

|  |   |
|--|---|
|  | payments which could fund infrastructure/services.                    |
| Harm to Protected Species/<br>Biodiversity | Addressed in paragraph 8.53-8.55 of this report                       |
| Increase in Flood Risk                     | Addressed in paragraph 8.49 of this report                            |
| Disruption during Construction             | A Construction management plan will be secured via planning condition |

6.3 Note that a number of non-planning related concerns (eg loss of view, setting a precedent, loss of property value, impact on utilities, blocking of drains etc) were also raised.

6.4 Norwood Society: Object to the application on the following (summarised) planning related grounds:

- The proposed development, due to its bulk, siting and design, would be of a poor design and would represent an overdevelopment of the site and would not preserve or enhance the adjoining conservation area or nearby listed buildings.
- The development would harm the amenities of surrounding residents in terms of loss of light, outlook, privacy and overshadowing.
- The proposed vehicular access/parking area would be detrimental to highway safety.
- The proposed development would result in the loss of trees/vegetation and would harm visual amenity and biodiversity.

6.5 North Area Conservation Area Advisory Panel: Object to the application for the following reasons:

- Lack of respect for established building line/poor design
- Overdominant when viewed from Founders Gardens
- Loss of trees and open space.

6.6 Cllr Stephen Mann: Object to the application (and refer to Committee) on the following grounds:

- Harm to Highway safety
- Loss of trees and greenfield land
- Lack of affordable housing

## **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.
- 7.3 The main planning Policies relevant in the assessment of this application are:

### Consolidated London Plan 2016 (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
- 3.14 – Existing Housing
- 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
- 5.18 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
- 7.4 Local Character
- 7.6 Architecture
- 8.13 Community Infrastructure Levy

### Croydon Local Plan 2018 (CLP):

- SP2 Homes
- SP6.3 Sustainable Design and Construction
- 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
- DM25 Sustainable drainage systems and reducing floor risk
- DM27 Biodiversity
- DM28 Trees
- SP8 Transport and communications
- DM29 Promoting sustainable travel and reducing congestion
- DM30 Car and cycle parking in new development

#### Supplementary Planning Documents/Guidance

- London Housing SPG March 2016
- Croydon Suburban Design Guide Supplementary Planning Document April 2019

#### Emerging New London Plan

- 7.4 Whilst the emerging New London Plan is a material consideration, the weight afforded is down to the decision maker linked to the stage a plan has reached in its development. The Plan appears to be close to adoption. The Mayor's Intend to Publish version of the New London Plan is currently with the Secretary of State and no response had been submitted to the Mayor from the Secretary of State. Therefore, the New London Plan's weight has increased following on from the publication of the Panel Report and the London Mayor's publication of the Intend to Publish New London Plan. The Planning Inspectors' Panel Report accepted the need for London to deliver 66,000 new homes per annum (significantly higher than existing adopted targets), but questioned the London Plan's ability to deliver the level of housing predicted on "small sites" with insufficient evidence having been presented to the Examination to give confidence that the targets were realistic and/or achievable. This conclusion resulted in the Panel Report recommending a reduction in London's and Croydon's "small sites" target.
- 7.5 The Mayor in his Intend to Publish New London Plan has accepted the reduced Croydon's overall 10 year net housing figures from 29,490 to 20,790 homes, with the "small sites" reduced from 15,110 to 6,470 homes. Crucially, the lower windfall housing target for Croydon (641 homes a year) is not dissimilar to but slightly larger the current adopted 2018 Croydon Local Plan target of 592 homes on windfall sites each year.
- 7.6 It is important to note, should the Secretary of State support the Intend to Publish New London Plan, that the overall housing target in the New London Plan would be 2,079 new homes per annum (2019 – 2029) compared with 1,645 in the Croydon Local Plan 2018. Therefore, even with the possible reduction in the overall New London Plan housing targets, assuming it is adopted, Croydon will

be required to deliver more new homes than our current Croydon Local Plan 2018 and current London Plan (incorporating alterations 2016) targets.

- 7.7 For clarity, the Croydon Local Plan 2018, current London Plan (incorporating alterations 2016) and South London Waste Plan 2012 remain the primary consideration when determining planning applications.

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

- 8.1 The main planning issues relevant in the assessment of this application are as follows:

- Principle of development
- Townscape and visual impact
- Mix and quality of proposed accommodation
- Impact on amenities of surrounding residents
- Access, Parking and Highway Safety
- Sustainability and Flood Risk
- Biodiversity, Trees and Ecology
- Waste/Recycling Facilities

### **Principle of development**

- 8.2 Paragraph 59 of the 2018 National Planning Policy Framework (NPPF) states that *“to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”*
- 8.3 Similarly, 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.
- 8.4 Given the site is within an established residential area, the principle of proposing residential development on the site is therefore considered acceptable (and is indeed encouraged) by adopted planning policies and guidance.
- 8.5 Policy SP4.1 of the 2018 Local Plan states that the Council will require development of a high quality, which respects and enhances Croydon’s varied local character and contributes positively to public realm, landscape and townscape to create sustainable communities.

- 8.6 Policy DM10.1 of the 2018 Local Plan states that proposals should be of high quality and, whilst seeking to achieve a minimum height of 3 storeys, should respect:
- a. The development pattern, layout and siting
  - b. The scale, height, massing, and density
  - c. The appearance, existing materials and built and natural features of the surrounding area; the Place of Croydon in which it is located.
- 8.7 It is also noted that the development site would be located in proximity to a Conservation Area. Similarly, Policy DM18.1 of the Local Plan states that “to preserve and enhance the character, appearance and setting of heritage assets within the borough, the Council will determine all development proposals that affect heritage assets in accordance with the following:
- Development affecting heritage assets will only be permitted if their significance is preserved or enhanced;
  - Proposals for development will only be permitted if they enhance the setting of the heritage asset affected or have no adverse impact on the existing setting;
  - Proposals for changes of use should retain the significance of a building and will be supported only if they are necessary to keep the building in active use; and
  - Where there is evidence of intentional damage or deliberate neglect to a heritage asset, its current condition will not be taken into account in the decision-making process.
- 8.8 The application proposes 39 habitable rooms (16 on GF, 18 on FF and 5 on SF) and 8 units on a site 0.2099ha in area. This equates to a density of 38 units per hectare (u/ha) and 185 habitable rooms per hectare (hr/ha).
- 8.9 London Plan Policy 3.4 (Optimising Housing Potential) states that in suburban areas with PTALs of 2-3, an appropriate density equates to 35-60 u/ha or 150-250 hr/ha. The proposed development falls within these density ranges (and indeed lies at the lower end of said density ranges), and so is not considered to represent an overdevelopment of the site.
- 8.10 It is acknowledged that whilst there isn't a consistent building line along this part of Beulah Hill, the proposal (the three storey element in particular) would be located closer to the public highway than its immediate neighbours.

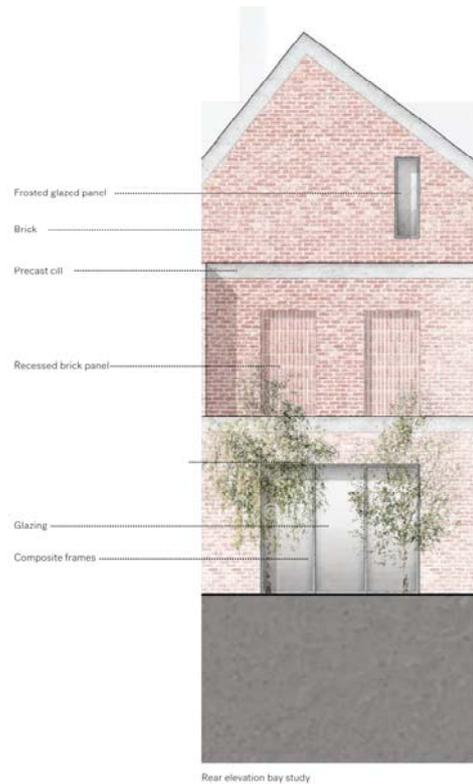
- 8.11 The reasons for the forward siting of this element relate to the unorthodox shape and various constraints of the site, including providing a development of a suitable density (Policy 3.4) whilst maintaining suitable amenity for the existing occupiers at Founders Gardens (Policy DM10.6) and preserving the health and vitality of the trees covered by Tree Preservation Orders (Policy ) - as well as many of the other higher quality specimens on the site.
- 8.12 Notwithstanding, the average setback of the three storey aspect from the public highway would still be around 2.65m (2.1m at closest, around 3.25m at its furthest). Additionally, the retained trees on either side of the development (particularly the three storey element) would soften the visual impact of this part of development when travelling eastwards and westwards along Beulah Hill Road.
- 8.13 Moving onto the design of the development, the immediate area is mixed in terms of architectural forms/designs, whilst to the South and East (within the Conservation Area) the architectural styling is more Victorian/Edwardian.
- 8.14 The proposed design approach of the scheme is best described as a 'contemporary reinterpretation'. Part of the terrace would have a dual pitched gable ended form, which reflects some of the pitched roof forms along hermitage road and Founders Gardens, but this dual pitch form would have an asymmetrical/more contemporary twist.
- 8.15 It is noted that the most publically visible aspect of the proposal (the front elevation of the three storey aspect) is designed to be of the highest visual quality/interest, providing a variety of materials in addition to visual depth/variations in the form of fenestration reveals and first floor stone detailing, roof cills and shadow gaps between the properties, as shown below.

Proposed Front Elevation (whole development)



Proposed Rear Elevation

## Proposed Front and Rear Elevations (3 storey terrace only)



Proposed CGIs





8.16 Conditions are proposed to secure samples of the proposed materials. Subject to this, the proposed development would not materially harm the character or appearance of the site, nor the surrounding heritage assets.

### **Mix and Quality of Accommodation Provided**

8.17 In relation to the mix of accommodation provided, Policy SP2.7 of the Local Plan states that the Council will seek to ensure that a choice of homes is available in the Borough that will address the borough's need for homes of different sizes. For both market and affordable housing, this will be achieved by:

- Setting a strategic target for 30% of all new homes up to 2036 to have three or more bedrooms

8.18 As noted in paragraph 4.23 of the 2018 Croydon Local Plan (CLP), The Strategic Housing Market Assessment 2015 identifies that 50% of the future requirement for market housing is for larger homes.

8.19 Similarly in paragraph 9.13 (pg 125) of Croydon Council's 2015 Strategic Housing Market Assessment (SHMA), included as APPENDIX ONE, it states:

*"The data suggests a requirement for homes for 32,780 additional households with the majority of these being two- and three-bedroom homes."*

8.20 All of the proposed units would be 3 bedrooms and this would exceed the 30% target significantly, and would provide an additional 8 good sized family dwellings to the Borough's housing stock. This adds weight in favour of the proposal.

8.21 In relation to the quality of the accommodation provided, Policy 3.5 of the 2016 London Plan states that housing developments should be of the highest quality, internally, externally and in relation to their context and to the wider environment. The design of all new housing should enhance the quality of local places, taking into account physical context and local character. Policy 3.5 sets out minimum GIA standards for new residential developments.

8.22 Policy DM10.4 of Croydon's local plan states that all proposals for new residential development will need to provide private amenity space that.

- a. Is of high quality design, and enhances and respects the local character;
- b. Provides functional space (the minimum width and depth of balconies should be 1.5m);
- c. Provides a minimum amount of private amenity space of 5m<sup>2</sup> per 1-2 person unit and an extra 1m<sup>2</sup> per extra occupant thereafter;
- d. All flatted development and developments of 10 or more houses must provide a minimum of 10m<sup>2</sup> per child of new play space, calculated using the Mayor of

London's population yield calculator and as a set out in Table 6.2 below. The calculation will be based on all the equivalent of all units being for affordable or social rent unless as signed Section 106 Agreement states otherwise, or an agreement in principle has been reached by the point of determination of any planning application on the amount of affordable housing to be provided. When calculating the amount of private and communal open space to be provided, footpaths, driveways, front gardens, vehicle circulation areas, car and cycle parking areas and refuse areas should be excluded.

8.23 These standards are set out within table 6.2 within Policy DM10.4. A breakdown of the development in relation to GIA's and Amenity space requirements and provisions of the development are set out in the table below:

| Unit No. | Unit Type | GIA              |                   | Private Amenity (PA) + Playspace (PS)            |                        |
|----------|-----------|------------------|-------------------|--|------------------------|
|          |           | Required         | Provided          | Required   | Provided               |
| 1        | 3b5p (2F) | 93m <sup>2</sup> | 113m <sup>2</sup> | 8m <sup>2</sup> of PA<br>4.6m <sup>2</sup> of PS | 93m <sup>2</sup> of PA |
| 2        | 3b5p (3F) | 99m <sup>2</sup> | 121m <sup>2</sup> | 8m <sup>2</sup> of PA<br>4.6m <sup>2</sup> of PS | 47m <sup>2</sup> of PA |
| 3        | 3b5p (3F) | 99m <sup>2</sup> | 121m <sup>2</sup> | 8m <sup>2</sup> of PA<br>4.6m <sup>2</sup> of PS | 50m <sup>2</sup> of PA |
| 4        | 3b5p (3F) | 99m <sup>2</sup> | 121m <sup>2</sup> | 8m <sup>2</sup> of PA<br>4.6m <sup>2</sup> of PS | 52m <sup>2</sup> of PA |
| 5        | 3b5p (3F) | 99m <sup>2</sup> | 121m <sup>2</sup> | 8m <sup>2</sup> of PA<br>4.6m <sup>2</sup> of PS | 55m <sup>2</sup> of PA |
| 6        | 3b5p (3F) | 99m <sup>2</sup> | 121m <sup>2</sup> | 8m <sup>2</sup> of PA<br>4.6m <sup>2</sup> of PS | 58m <sup>2</sup> of PA |
| 7        | 3b5p (2F) | 93m <sup>2</sup> | 113m <sup>2</sup> | 8m <sup>2</sup> of PA<br>4.6m <sup>2</sup> of PS | 94m <sup>2</sup> of PA |
| 8        | 3b5p (2F) | 93m <sup>2</sup> | 113m <sup>2</sup> | 8m <sup>2</sup> of PA<br>4.6m <sup>2</sup> of PS | 85m <sup>2</sup> of PA |

8.24 As the table above highlights, the proposed units would meet the required standards (and exceed them in some respects). Whilst the direct light received to some of the rear facing windows would be limited, this is considered to be compensated for by the good sized rear garden areas which are well in excess of Policy requirements. As such, overall the quality of the proposed accommodation is considered acceptable.

## Impacts on Neighbouring Residential Amenity

8.25 Policy DM10.6 of the 2018 Croydon Local Plan states that the Council will support proposals for development that ensure that;

- The amenity of the occupiers of adjoining buildings are protected; and that
- They do not result in direct overlooking at close range or habitable rooms in main rear or private elevations; and that
- They do not result in direct overlooking of private outdoor space (with the exception of communal open space) within 10m perpendicular to the rear elevation of a dwelling; and that
- Provide adequate sunlight and daylight to potential future occupants; and that
- They do not result in significant loss of existing sunlight or daylight levels of adjoining occupiers.

8.26 As noted in the previous section, a number of rear facing habitable room windows serving numbers 1-24 Founders gardens face towards the application site, and would face towards the proposed residential terrace.

8.27 In terms of daylight/sunlight, the applicant has submitted a British Research Establishment (BRE) sunlight/daylight assessment for the proposed development.

### Daylight

8.28 In terms of Daylight, BRE guidelines set out a number of tests which should be performed on *habitable* room windows which face a proposed development to determine whether the daylight to said windows would be significantly affected. These tests (undertaken in order) are as follows:

- Is the distance of the new development less than 3 times its height above the lowest window?
- Does the new development subtend more than 25 degrees at the lowest window?
- Is the vertical sky component (VSC) 27% for any habitable room window?
- Is the value less than 0.8 times the existing/previous value?
- In the room that the window is serving, is the area of working plane which can see sky less than 0.8 times the existing/previous value?

8.29 If the answers to ALL of the above are yes, then daylighting is likely to be significantly affected.

8.30 The submitted assessment indicates that all habitable room windows would all comply with test 4) save for one. However, as the 'window/opening' which fails actually comprises a small flank pane of a larger bay window, and given that there are two other bay windows serving this same room, the development

would comply with test 5) (and therefore would not conflict with the guidance as a whole).

8.31 As such, no conflict with BRE guidelines would arise in terms of daylight.

### Sunlight

8.32 BRE guidelines generally measure sunlight (and impacts on sunlight) through APSH (Annual Probable Sunlight Hours)

8.33 APSH refers to the total number of hours in the year that the sun is expected to shine on unobstructed ground, allowing for average levels of cloud for the location in question.

8.34 Compliance with BRE guidelines in terms of Sunlight will be demonstrated where a room receives:

- At least 25% of the APSH (including at least 5% in the winter months), or
- At least 0.8 times its former sunlight hours during either period, or
- A reduction of no more than 4% APSH over the year.

8.35 The submitted BRE assessment demonstrates that all the windows serving 1-24 Founders Gardens meet these criteria, save for the door to the ground floor room at 7 Founders Gardens, which misses the winter target by 2%. However, this is a door (and therefore not a primary natural light source), and the main window to this room meets the criteria. As such, it is concluded that the room in question would not be unduly affected.

### Overshadowing

8.36 In terms of overlooking, the BRE guidelines state that:

8.37 For a garden or amenity area to appear adequately sunlit throughout the year, at least 50% of the area should receive at least two hours of sunlight on 21 March;

8.38 In addition, if, as result of new development, an existing garden or amenity area does not reach the area target above and the area which can receive two hours of direct sunlight on 21 March is reduced by more than 20% this loss is likely to be noticeable.

8.39 Appendix G of the BRE guidelines describes a methodology for calculating sunlight availability for amenity spaces.

8.40 The submitted BRE assessment demonstrates that all of the gardens and amenity areas tested meet or exceed the BRE target criteria for sunlight because at least 50% of their area receives at least two hours of direct sunlight on 21 March, or the reduction in area receiving sun on that date is less than the

permitted 20%. As such, it is not considered that undue harm in terms of overshadowing would result.

### Overlooking

- 8.41 The Council's SPD titled Suburban Residential Design (2019) sets out guidance in relation to overlooking. It indicates that a minimum distance of 18m should be provided between facing (3<sup>rd</sup> party) habitable room windows. Similarly, Policy DM10.6 states that developments should not result in direct overlooking of private rear amenity areas.
- 8.42 In relation to the three storey dwellings, no clear glazed or openable windows are proposed above the ground floor along the Northern elevations (facing towards Founders Gardens). The only clear glazed windows serving the first floor rear bedrooms would all be NW facing flank windows, orientated at an angle of 45 degrees to the existing Founders Gardens properties. As such, these would not provide any direct views into the windows or gardens serving these properties (and so no conflict with Policy DM10.6 parts b and c would arise), although it is acknowledged that some indirect views of these rear gardens/amenity areas would result.
- 8.43 In relation to the two storey dwellings, 2 x first floor clear habitable room windows are proposed which face towards the rear of the first two terrace buildings along Founders Gardens (numbers 1-6), but the distance would exceed the 18m required by the Suburban Residential Design SPD, and as such, there will be no conflict with adopted policy, although it is acknowledged that given the change in levels there would be some limited/indirect views of these rear gardens/amenity areas would result.
- 8.44 The submitted first floor plan which identified views and key distances is below



### Other matters

8.45 The proposed development would introduce additional activity and lighting in and around the site. However, this activity would be residential in nature, within a residential area, and adopted planning policies and guidance encourage intensification of residential use in principle (subject to a full planning assessment). As such, it is not considered to result in undue harm in this regard.

### **Access, Parking and Highway Safety**

8.46 Policy SP8.15 of the Croydon Local Plan states that the Council will encourage car free development in Centres, where there are high levels of PTAL and when a critical mass of development enables viable alternatives, such as car clubs (while still providing for disabled people). Detailed car parking standards are contained within the Croydon Local Plan's Detailed Policies and Proposals.

8.47 The site has a Public Transport Accessibility Level (PTAL) of 2/3 (moderate). The 2016 London Plan requires a maximum of 1.5 spaces for 3 bedroom dwellings, whilst the draft London Plan sets out a maximum of 1 space per unit for this site. Similarly, the 2016 London Plan sets a requirement for 2 cycle parking spaces per 3 bedroom dwelling. The Croydon Strategic Transport Team have assessed the proposed vehicle access and level of provision (8 spaces), in addition to the cycle parking provision (16 spaces), and deemed this to acceptable subject to some suggested conditions/informatives. As such, no conflict with adopted planning policies or guidance is identified.

### **Sustainability and Flood Risk**



submitted tree survey) and replacement planting will be required to mitigate this loss. A landscaping/tree replacement scheme is therefore recommended and can be secured via planning condition.

- 8.53 In relation to biodiversity/ecology, a number of representations have raised concerns in relation to impacts on protected species, specifically stag beetles, in addition to concerns regarding the presence of Japanese knotweed on the site.
- 8.54 The applicant has commissioned a Preliminary Ecological Assessment (PEA) which assesses potential impacts upon said species. It did not reveal the presence of any during the visit, but acknowledges some potential for stag beetles on the site, and, as such, sets out appropriate mitigation measures to prevent harm.
- 8.55 Croydon's ecological consultant has assessed the applicant and concludes that subject to these mitigation measures and the submission of a biodiversity enhancement scheme, and in addition to an approved method statement for the removal of the Japanese knotweed (all secured via planning conditions), the proposed development would not result in harm and no conflict with adopted planning Policies would arise.

### **Waste/Recycling Facilities**

- 8.56 The guidance set out in the Council's Suburban Design Guide (2019) advises that waste storage areas should be within 30m of the entrance of each residential units and within 20m of the public highway.
- 8.57 The submitted plans shown waste storage locations at either end of the terrace. These would be secure and covered and would comply with the SPD distance requirements (at least one of the waste stores would be within 30m for all of the proposed dwellings, and both would lie comfortably within 20m of the vehicular highway).
- 8.58 As such, the proposed waste stores are considered acceptable and no conflict with planning policies or guidance is identified.

### **Other matters**

- 8.59 All other planning related matters have been considered and no other planning harm has been identified.

### **Conclusion/Planning Balance**

- 8.60 The proposed development would provide 8 new residential units, all of which would be family units (100%). This adds a fair amount of weight in favour of the proposal. Subject to the recommended conditions, the development would not result in any material harm in terms of the character or appearance of the site or nearby heritage assets, the amenities of surrounding residents, biodiversity or ecology, flood risk or sustainability. Whilst part of the proposed development

would lie closer to the public highway than the surrounding dwellings, this siting is necessary to ensure that adequate amenity is retained for the dwellings along Founders Gardens. Additionally, it is noted that the retained trees would soften the visual impacts of the development (the three storey aspect in particular) when travelling eastwards and westwards along Beulah Hill Road, and the most publically visible aspect of the proposal would be the highest visual quality.

8.61 In conclusion, the benefits associated with the provision of 8 family residential units is considered to outweigh any limited adverse impacts which would result. As such, the development is considered acceptable and is therefore recommended for approval.