

Part 5: Planning Applications for Decision

Item 5.1

1.0 SUMMARY OF APPLICATION DETAILS

Ref: 21/04462/FUL
 Location: Land R/o 67 Kendall Avenue South, South Croydon CR2 0QR
 Ward: Purley Oaks and Riddlesdown
 Description: Erection of a two bedroom dwelling with associated works.
 Drawing Nos: 01, 02, 19138LD (Topographical Survey), 20-1119-TPPP (Tree Protection Plan),
 Statements: Preliminary Ecological Appraisal (24/08/2021), Arboricultural Impact Assessment and Method Statement (July 2021), Design, Access Statement and Character Statement (Issue 1), Flood Risk and Surface Water Management Statement (July 2021), Planning Statement (August 2021), Transport Technical Note (August 2021)
 Agent: Neal Thompson
 Applicant: Lumiere Property
 Case Officer: Carolyn Southall

	2 bed	Gross internal area	Garden area	Car parking spaces	Cycle parking spaces
Proposed	1	80m2	42m2	1	2

The proposed dwelling is for private sale

- 1.1. This application is being reported to committee because public objections above the threshold in 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 Sustainable Communities, Regeneration & Economic Recovery is delegated authority to issue a Grant of planning permission subject to the following conditions and informatives :-

- 1. Development to be implemented within three years.
- 2. In accordance with the approved plans.

Pre-Commencement Conditions

- 3. Submission of Construction Logistics Plan to Council for approval prior to commencement of demolition/construction works.
- 4. Full details of soft and hard landscaping, including new tree planting and biodiversity enhancements, boundary treatment (including adjacent access track) to be submitted for approval and retained as appropriate thereafter.

Pre-Occupation Conditions

5. Following details to be submitted to Council for approval and installed prior to first occupation of dwellings : full details electric charging point for car parking and cycle storage
6. Full details of external appearance of refuse and cycle storage to be submitted
7. Development to meet energy efficiency/carbon reduction targets as appropriate.

Compliance Conditions

8. Samples of external materials
9. Implementation and adherence to actionable measures of Planning Fire Safety Strategy
10. Development to meet 105 litres per person/day water use target.
11. No windows/openings to be provided other than as shown on approved plans.
12. Dwelling to meet M4(2) accessibility standards as appropriate.
13. Any other planning condition(s) considered necessary by the Director of Sustainable Communities, Regeneration & Economic Recovery

Informatives

- 1) Community Infrastructure Levy
- 2) Code of practice for Construction Sites
- 3) Compliance with Building/Fire Regulations
- 4) Any other informative(s) considered necessary by the Director of Sustainable Communities, Regeneration & Economic Recovery

- 2.3 That the Committee confirms that adequate provision has been made by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

3.0 PROPOSAL AND LOCATION DETAILS

- 3.1 The proposal includes the following:
- Subdivision of the existing property to provide a two bedroom dwelling with private garden and one off-street parking space
 - Use of existing vehicular access to proposed dwelling
 - Provision of associated refuse and cycle stores
 - Retention of 192sqm garden for the host building

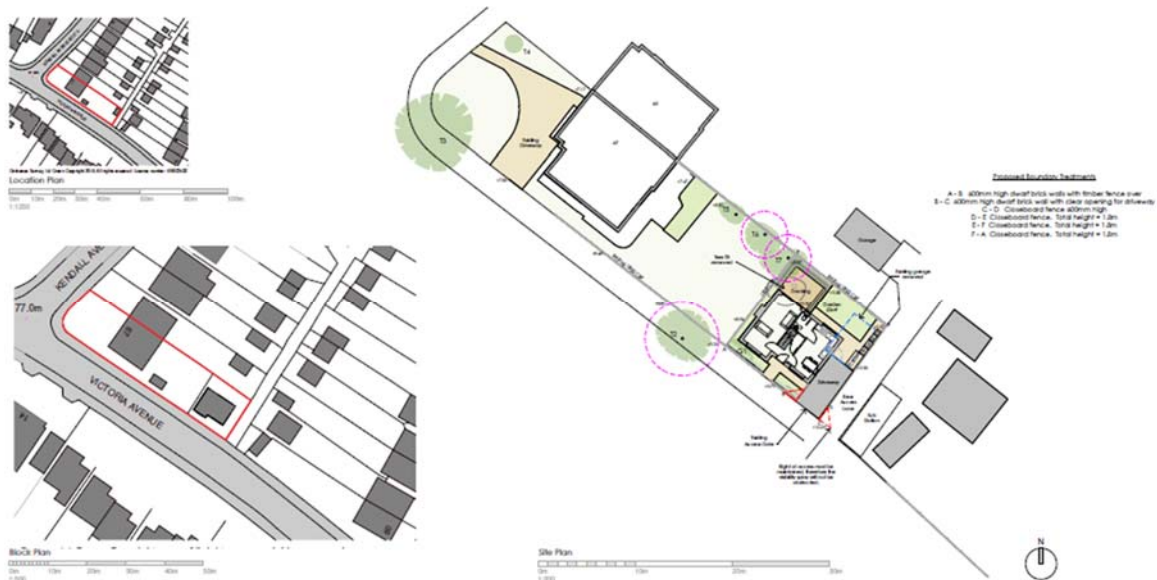


Figure 1. Proposed Site Plan

Site and Surroundings

- 3.2 The application subdivides the existing rear garden at 67 Kendal Avenue South, currently occupied by a two-storey, semi-detached, Edwardian dwelling. It is a corner plot with Victoria Avenue to its south west boundary. Land levels rise from Norman Avenue to the west up to Penwortham Road in the east. The application site was formally occupied by a garage, now demolished and the site is partially separated from the existing garden by a 1.8m fence. There is an existing crossover. Parking for the host building has been incorporated into the front garden, accessed from Victoria Avenue, and provides space for two vehicles. To the south east of the site is the access track providing garaging/off-street parking and outbuildings to the rear of properties in Kendall Avenue South and Penwortham Road (approximately 28 separate dwellings). An electricity sub-station is located at the entrance of the track on the opposite side, approximately 6m from the south east flank of the proposed dwelling.
- 3.3 The surrounding area is residential in character and comprises predominately two storey semi-detached, Edwardian properties in Kendall Avenue south and Penwortham Road. Opposite the site, in Victoria Avenue, is a 1980s addition of two-storey dwellings with integral garages and an open frontage with no formal boundary treatment in the form of walls, fences or planting. All properties benefit from integral garages and off-street parking into front gardens for at least one car.
- 3.4 There are no specific policy constraints for this site. It is situated in an area with low risk of surface water flooding and has a PTAL of 3 where 1 is low and 6 is high. There are no controlled parking zones in the area. A mature street tree was removed in 2021 due to poor health and a replacement has been recently planted, located to the front of the substation.



Figure 2: Aerial street view within the surrounding streetscene

Planning History

3.5 The most relevant planning history associated with the site is noted below:

67 Kendall Avenue South

- 19/01015/HSE: First floor side extension – granted
- 92/02275/P: Single storey side extension – granted

Land R/O 67 Kendall Road South

- 21/00813/PRE: Demolition of existing garage; erection of a detached two bedroom dwellinghouse with associated works.
- 19/02696/PRE: Proposed single detached 1.5 / 2 storey house with parking and garden.

4. 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 appropriate for its setting.
- The living conditions of adjoining occupiers would be protected from undue harm subject to conditions.
- The living standards of future occupiers are acceptable and Nationally Described Space Standard (NDSS) compliant.
- The level of parking and impact upon highway safety is considered acceptable.

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 21 letters of notification to neighbouring properties in the vicinity of the application site and a site notice was erected adjacent to the site. The number of representations received from neighbours in response to notification and publicity of the application are as follows:

No of individual responses: 41 Objecting: 41 Supporting: 0 Comment: 0

6.2 The following issues were raised in representations. Those that are material to the determination of the application, are addressed in substance in the MATERIAL PLANNING CONSIDERATIONS section of this report:

Objection	Officer comment
<i>Principle of development</i>	
Overdevelopment of this type of development in the area	This is addressed in section 8.2 to 8.5 of this report.
<i>Design and appearance</i>	
Harm to character of host property and surrounding area	This is addressed in section 8.6 to 8.12 of this report.
<i>Impact on amenities of neighbouring properties</i>	
Impact on neighbouring amenity	This is addressed in section 8.17 to 8.21 of this report.
Negatively impact on right of access to 28 properties	This is addressed in section 8.21 of this report.
<i>Environment</i>	
Loss of garden	This is addressed in section 8.18 of this report.
Air, noise and water pollution, during and post construction	This is a residential development in a residential area. There is no reason to expect that this proposal would have additional adverse impacts not expected in this area. A Construction Logistic Plan would be required by condition.

Too close to the electricity substation and poses a health risk	This is addressed in section 8.32 of this report.
<i>Highways and parking</i>	
Insufficient parking and right of access	This is addressed in section 8.22 to 8.25 of this report.
Impact on road safety	This is addressed in section 8.23 of this report
<i>Other material considerations</i>	
Would set a precedent for others	This is addressed in section 8.8 of this report.

6.3 Sanderstead Residents Association object to this proposal on the following grounds:

- Although the proposal has been drawn up to reflect local architecture it is too large and there is insufficient amenity space.

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 London Plan 2021, the Croydon Local Plan 2018 and the South London Waste Plan 2012.

7.2 Government Guidance is contained in the National Planning Policy Framework (NPPF), issued in July 2021. 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:

- Delivering a sufficient supply of homes
- Promoting healthy and safe communities
- Promoting sustainable transport;
- Achieving well designed places;
- Conserving and enhancing the natural environment

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

London Plan 2021

- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design

- D6 Housing quality and standards
- D7 Accessible housing
- D12 Fire Safety
- S4 Play and informal recreation
- H1 Increasing housing supply
- H10 Housing size mix
- SI 2 Minimising greenhouse gas emissions
- SI 12 Flood risk management
- SI 13 Sustainable drainage
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6.1 Residential Parking

Croydon Local Plan 2018

- 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
- DM16 – Promoting healthy communities
- SP6 – Environment and Climate Change
- DM23 - Development and construction
- DM25 – Sustainable drainage systems and reducing floor 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

There is relevant Supplementary Planning Guidance as follows:

- London Housing SPG March 2016
- The Suburban Design Guide 2019

8.0 MATERIAL PLANNING CONSIDERATIONS

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

- Principle of development and housing mix
- Townscape and visual impact
- Housing quality for future occupiers
- Amenity of neighbouring properties
- Access and parking
- Landscaping
- Flood risk and sustainability
- Fire safety
- Other matters

Principle of Development

- 8.2 This application must be considered against a backdrop of significant housing need, not only across Croydon, but also across London and the south-east. All London Boroughs are required by the London Plan 2021 to deliver a number of residential units within a specified plan period. Croydon's overall housing target per annum is 2,079 new homes (2019 – 2029). The Croydon Local Plan 2018 states there is a requirement to deliver a minimum of 32,890 new homes between 2016 and 2036 (Croydon's actual need identified by the Croydon Strategic Housing Market Assessment would be an additional 44,149 new homes by 2036, but as there is limited developable land available for residential development in the built up area, it is only possible to plan for 32,890 homes). This requirement is set out in policy SP2.2 of the Croydon Local Plan (CLP) (2018), which separates this target into three relatively equal sub targets with 10,760 new homes to be delivered within the Croydon Opportunity Area, 6,970 new homes as identified by specific site allocations for areas located beyond the Croydon Opportunity Area boundary and 10,060 homes delivered across the Borough on windfall sites. In order to provide a choice of housing for people in socially-balanced and inclusive communities in Croydon, the Council will apply a presumption in favour of sustainable development of new homes.
- 8.3 The London Plan 2021 Policy D12 on Small Sites advises that for London to deliver more of the housing it needs, small sites (below 0.25 hectares in size) must make a substantially greater contribution to new supply across the city. Therefore, increasing the rate of housing delivery from small sites is a strategic priority. The London Plan Policy D3 requires new development to optimise site capacity through a design-led approach. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. The site is approximately 900m from Brighton Road (Selsdon Road) Local Centre and 1km from Purley District Centre. Officers consider that the density of the scheme would be appropriate and that the proposed development has taken a design-led approach.
- 8.4 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 application outlines the entire site as forming part of the application and meets the policy requirement by retaining an approximately 16m long rear garden for the host dwelling and over half the existing garden area (198m² of a total 335m²)
- 8.5 The application is for a two bedroom dwelling which has the ability to provide for smaller families. The site is located within an existing residential area and as such providing that the proposal accords will all other relevant material planning considerations, the principle of development is supported.
- 8.6 Local Plan Policy SP2.7 sets a strategic target for 30% of all new homes to have three or more bedrooms. The proposed dwelling, however, provides 2 bedrooms reflecting the constraints of the site, which is considered appropriate in this setting.

Townscape and Visual Impact

- 8.7 The National Planning Policy Framework (NPPF) attaches great weight to the importance of design in the built environment. London Plan Policy D3 seeks to optimise site capacity through the design-led approach and Policies D4 and D5 require high quality architecture which contributes to the local architectural character. Policy SP4 and DM10 of the Croydon Local Plan (2018) reinforce these policies by confirming that the Council will require development to be of a high quality and be informed by the distinctive qualities, identity, topography and opportunities of the relevant places of Croydon.
- 8.8 The application site forms the rear section of the back garden of 67 Kendall Avenue South, as such the proposal is for an infill development. There is a mix of architectural style in the immediate vicinity, that being detached and semi-detached Edwardian dwellings and 1980s design. Both reflect their time in the ever-evolving changes in architectural design and style.
- 8.9 With regard to the proposed dwelling, it takes cues from the Edwardian style falling into the ‘sympathetic and faithful’ approach rather than the more modern design opposite in Victoria Avenue. Specifically, the design incorporates a hipped roof, front facing bays, a covered front door, chimney and quoins at wall corners. It does not however, reflect policy recommendation for a three (3) storey development being just one full storey with the upper floor occupying the roofspace. It does however, reflect the restraints of the site and the context in which it would be situated.
- 8.10 Being located within 18m of the host building, no. 67 Kendall Avenue, the proportions of the dwelling reflect the guidance in the Suburban Design Guide, with the bulk of the dwelling orientated to front Victoria Avenue. First floor windows breach eaves to make use of roof space while the rear part of the dwelling reduces in scale to allow maximum light and outlook to surrounding dwellings. There is an upper floor rear-facing window/roof light, but this is to the bathroom and en-suite and officers propose to condition these both to be obscure glazing and limited opening to prevent mutual overlooking up to 1.7 metres from the internal floor height. Apart from a ground floor window on the east elevation, providing light and observation of the parking space, there are no further side-facing windows. Again, this situation can be maintained by an appropriate condition.
- 8.11 New developments are generally required to sit on/maintain an established building line – the propped development does neither. However, looking at this side of Victoria Avenue, depicted by long rear gardens and not forgetting the existing infill development opposite and the topography of the area, it is considered, in this instance, the proposal would represent a subservient and appropriate addition to the streetscene when viewed from Victoria Avenue opposite and the rear of properties in Kendall Avenue South and Penwortham Road.



Figure 3: Proposed Street View

- 8.12 The proposal provides one off-street parking space, and appropriate accommodation for cycle and refuse storage. Drawing no. 01 is annotated to show landscaping and boundary treatment, all of which would be appropriate for this development in this location.
- 8.13 The proposed scheme, being a sympathetic and faithful interpretation of the host building, would have an acceptable appearance on the streetscene.

Housing Quality for Future Occupiers

- 8.14 The proposed dwelling has two bedrooms accommodating up to 4 people and would need to achieve a gross internal floor area of 80m² to comply with policy D6 of the London Plan. There is a limited area of useable space at first floor that would be under 1.5m high, which is allocated as storage, therefore the gross internal floor area of 80m² exceeds the national space standards in terms of its overall size and individual room sizes as well as benefiting from being dual aspect with a northeast/southwest orientation within the plot.
- 8.15 DM10.4 of the Croydon Local Plan requires all proposals to provide a minimum amount of private amenity space of 5m² per 1-2 person unit and an extra 1m² per extra occupant thereafter. The requirement is exceeded offering 42m² of useable garden space (calculation excludes front and side spaces). It would be northeast facing, however the garden is currently undeveloped to the rear and sides providing good levels of light and space to enjoy the external environment.
- 8.16 In terms of accessibility, Policy D7 and H2 of the London Plan set out that to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children. The house is intended to comply with M4(2) compliant accessibility requirements, which is supported.
- 8.17 Overall, the development is considered to result in a development with acceptable quality for future occupiers.

Amenity of neighbouring properties

- 8.18 The properties that have the potential to be most affected by the development are the adjoining properties at 65 and 67 Kendall Avenue South, 12 – 14 Victoria Avenue, 58 and 60 Penwortham Road, and neighbours with access from the rear.



Figure 4: Proposed Site Location Plan showing neighbouring properties

67 Kendall Avenue South

- 8.19 The existing house at no. 67 Kendall Avenue South has a rear garden of approximately 28m in length with the proposed dwelling located 16m from the rear façade at its nearest point. The extended house is dual aspect with an east/west orientation and 192sqm of good quality garden space retained following development. There would be some reduction in light and outlook from the rear of the dwelling, but not to a degree that would justify refusal of the application.



Figure 5: Proposed layout

65 Kendall Avenue South, 58 and 60 Penwortham Road and 12 – 14 Victoria Avenue

- 8.20 The above properties are located to the east and west of the application site, separated, obliquely by 18m from the rear of 65 Kendall Avenue South, approximately 41m from the rear of 58 and 60 Penwortham Road and 31m from facing front facades at 12-14 Victoria Avenue.
- 8.21 There is no doubt the development would be visible from neighbouring dwellings. However, owing to the separation/orientation/juxtaposition, landscaping, levels, outbuildings, substation, between the built forms it is considered that the proposal would not cause significant harm to neighbours amenity with regard to light, outlook, privacy or result in a sense of enclosure.

Dwellings in Kendal Avenue South and Penwortham Road with rear access from Victoria Avenue.

- 8.22 Access to the site would remain following construction – the application site was previously used as parking for 67 Kendall Avenue South. Boundary treatment to the south east of the site is in the form of timber fencing and will be limited to 600m high to maintain the existing site line from the track, rising to 1.8m high to the rear boundary to ensure privacy for future occupiers. The existing situation opposite, surrounding the substation remains unchanged, that being a full 1.8m high (approximately). There may be some disturbance during construction, however, in order to mitigate against this a robust construction logistics plan would be required by condition, which is common for this type of development.

Access and Parking

- 8.23 The application site is not located within a controlled parking zone and has a PTAL rating of 3 indicating medium access to public transport. London Plan (2021) standards suggest that up to a maximum of 0.75 spaces per unit should be provided. One space is proposed to serve the dwelling. Technically this is in excess of the maximum number required, but given the site can accommodate a car parking space, this is considered acceptable. From a sustainability perspective, the removal of the car parking space is unlikely to deter future occupiers from having a car as alternative parking space is available on street – as noted from Case Officer site visits. No. 67

Kendall Avenue South has relocated off-street parking to the front garden, and dwellings opposite have garages and drives in/on which to park vehicles.

- 8.24 Concern has been raised by residents with regard to resultant highway safety. The submission demonstrates that the required visibility splays for vehicles and pedestrians sightlines cannot be achieved within the curtilage of the site. However, the proposal is for a single family dwelling, and as such not dissimilar in its potential vehicular activities than when it was a parking space for the existing, larger dwelling. There is no potential for maneuvering within the site to enable egress in a forward gear. Given its location there is potential for reversing into the site without undue impact on highway flow/the safety of pedestrians.
- 8.25 London Plan (2021) Policy T5 requires a minimum of 2 cycle parking spaces for this development. The plans show a cycle storage area to the rear of the parking area. A suitable condition is required to ensure provision is made for a minimum of 2 cycles – the access gate from the car parking area is in excess of 1.2m wide thereby providing sufficient space for wider cycles to pass.
- 8.26 Adequate space has been allocated for refuse and recycling, including food waste. Being a single family unit, in this instance, there is no requirement for a specific space for bulky storage to be allocated, as it is anticipated goods would be presented on an as and when basis.

Landscaping

- 8.27 There are no Tree Preservation Orders on the site nor street trees within the immediate vicinity. It is noted that in the past year, the council's Street Tree team have removed a tree in vicinity to the existing vehicular access on-site and a replacement street tree has recently been planted adjacent the substation. There is therefore no impact upon the existing street trees surrounding the site.
- 8.28 An Arboricultural Impact Assessment and Method Statement providing information on tree protection during and post construction. The removal of tree T8, as shown on the Arboricultural Strategy, has limited amenity value, however there is limited opportunity to provide replacement trees owing to the size of the plot. Overall there are no known overriding arboricultural constraints which would prevent the development from proceeding subject to the necessary protection measures secured by condition.

Flood Risk and sustainability

- 8.29 The site is within Flood Zone 1, in an area with low risk of surface water flooding.
- 8.30 Policy seeks high standards of design and construction in terms of sustainability and sets out Local and National CO2 reduction targets. Conditions can be used to ensure CO2 reduction compliance and to ensure water use targets have been met following construction.

Fire Safety

- 8.31 London Plan (2021) policy D12 Fire Safety requires all development proposal to achieve the highest standards of fire safety. Paragraph 3.12.1 states that fire safety

of developments should be considered from the outset and D12 sets out six requirements that should be achieved on all developments. Furthermore, paragraphs 3.12.3 and 3.12.4 of the London Plan (2021), require the positioning of fire appliances and evacuation assembly points should be shown on a site plan.

- 8.32 The applicant has demonstrated how fire safety has been considered. The proposal therefore demonstrates that the highest standards of fire safety would be achieved.

Other matters

- 8.33 London Plan Policy D12 requires all development proposals to achieve the highest standards of fire safety. A Planning Fire Safety Strategy has been provided which satisfactorily addressed the requirements of Policy D12.
- 8.34 Representations have raised concerns that local services will be unable to cope with additional residents moving into the area and the impact on local infrastructure. 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.
- 8.35 Concern has been raised in relation to the proximity of the proposed dwelling to the existing substation situated approximately 6m to the south east. The following extract is from the Energy Networks Association – September 2017 explaining the limited impact Sub Stations have, especially when compared to exposure from within existing dwellings.

Substations

Small electricity distribution substations, typically one for every few hundred homes, generally produce up to 2 microteslas close to their perimeter fence (occasionally more if built into another building, usually less for pole-mounted transformers), and often no electric field at all. The fields fall rapidly with distance and, within 1 to 2 metres from a typical substation, the fields associated with it are usually indistinguishable from other fields present in homes. Larger electricity transmission substations do not produce very large fields themselves (generally less than a microtesla); the fields close by are mainly produced by power lines and cables entering them. There is no restriction on EMF grounds on how close houses can be to substations.

Energy Networks Association – September 2017

Conclusion

- 8.36 The principle of development is considered acceptable within this area. The design of the scheme is of an acceptable standard and would not harm the visual amenities of the area or adjoining occupiers. The proposed impact on the highway network and parking provision is acceptable, having taken into consideration the existing situation within the surrounding area and its location. The proposal is therefore overall considered to be in accordance with the relevant policies.

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