

PART 6: Planning Applications for Decision

Item 6.1

1 SUMMARY OF APPLICATION DETAILS

Ref: 17/05867/FUL
 Location: Land R/O 16 Highfield Hill, Upper Norwood, London, SE19 3PS
 Ward: South Norwood
 Description: Construction of 1 x 4 bedroom detached house and 4 x 2 bedroom flats, including associated car parking and landscaping.
 Drawing Nos: 3124/L/01, 3124/L/02 Rev A, 3124/L/04, 3124/P/01 Rev B, 3124/P/02 Rev A, 3124/P/03 Rev A, 3124/P/31, 3124/P/32 Rev A, 3124/P/33 Rev A, 3124/P/34 Rev A, 3124/P/35 Rev A, 3124/P/36 Rev A, 3124/P/39, 3124/P/50.
 Applicant: Mr Cristian Podina, FQ Contractors Ltd
 Agent: Mr Peter Swain, Proun Architects
 Case Officer: Toby Gethin

	1 bed	2 bed	3 bed	4 bed
Houses				1
Flats		4		
Totals		4		1

Type of floorspace	Amount proposed	Amount retained	Amount lost
Residential	463 Sq m	N/A	N/A

Number of car parking spaces	Number of cycle parking spaces
5 (including 1 disabled space)	10

1.1 This application is being reported to Planning Committee because objections above the threshold in the Committee Consideration Criteria have been received.

2 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 negotiate the legal agreement indicated above.
- 2.3 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) To be built in accordance with the approved plans and drawings.
- 2) Removal of permitted development rights.
- 3) Flat roofs not to be used.
- 4) Prior to commencement of works, full details to be submitted to the Council providing details and timings for the access track improvement works.

- 5) Submission of a Construction Logistics Plan prior to commencement of works.
- 6) Prior to above ground works, submission of full details of all external materials (including samples), green roofs and window reveal depths and green roofs prior to above ground works.
- 7) Compliance with the arboriculture report.
- 8) Prior to above ground works, submission of a full landscaping scheme including boundary treatment details.
- 9) Prior to commencement, submission of details setting out either fire appliance access to the site or the provision of a dry riser on site.
- 10) Prior to commencement, an ecology/phase 1 survey shall be carried out and submitted to the Council for approval.
- 11) Prior to occupation, submission of an external lighting plan for the site.
- 12) Prior to occupation, submission of a waste management plan.
- 13) Prior to occupation, submission of the bin store details (dimensions, elevations and mats) for House 1.
- 14) Prior to occupation, submission of details confirming that a 19% reduction in CO2 emissions has been achieved.
- 15) Parking area (including disabled space), provision of electric vehicle charging (compliant with London Plan 2016 standards) and cycle storage to be provided and retained.
- 16) Water usage reduction.
- 17) Compliance with the Flood Risk Assessment and Drainage Strategy.
- 18) Shrub planting at the rear of flats 1 and 2 and along the boundary between the communal garden and private garden to House 1 to be retained.
- 19) The communal amenity/garden areas to remain for communal use by residents of the site and shall not be separated into private amenity/garden areas.
- 20) SUDS to be provided prior to occupation and retained and maintained for as long as development remains in existence.
- 21) Restriction of noise level of air handling units.
- 22) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport.

Informatives

- 1) CIL
- 2) Construction logistics guidance
- 3) Party Wall Act
- 4) Light pollution guidance
- 5) Any [other] informative(s) considered necessary by the Director of Planning

- 2.4 That the Planning 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 PROPOSAL AND LOCATION DETAILS

Proposal

- 3.1 The proposal involves the erection of two new buildings on the currently vacant plot of land. The new buildings would be two-storeys high with accommodation in the roof space. They would accommodate one four-bedroom detached dwelling and four two-bedroom flats. Each unit would be provided with one off-street parking space, refuse

and cycle storage. The dwelling would have a private garden while the four flats would share two large communal gardens. The existing access track would be upgraded.

3.2 During determination and in response to issues raised by the Council and objectors, the applicant submitted some additional information and some amendments to the proposed drawings. This includes:

- A Land Registry Title and Plan were provided, confirming the applicant's ownership of the site and demonstrating that the application's red line boundary aligns with the registered title and plan held by the Land Registry.
- Amendments to proposed drawings (nos. 3124/P/32A, 33A, 34A, 35A and 36A), including
 - A reduction in the size of the first-floor rear windows facing east (towards Hamlyn Gardens) of flats 3 and 4, by raising the sills. Louvres have also been added to 6 of the 14 east-facing windows to further reduce overlooking.
 - To offset the reduction in size of the east-facing windows, the first-floor windows to the flank elevations (facing north and south) of flats 3 and 4 have been increased in size with the sills lowered to floor level, with one additional window added to each, resulting in 3 windows instead of the previous 2. This has no impact on overlooking of neighbours, and will enhance passive surveillance of the communal gardens.
- Details with respect to objectors' requests for Average Daylight Factor (ADF) calculations to be included within the Daylight/Sunlight Assessment. Details on this are provided in Section 8, below.
- Additional drainage details covering the proposed on-site Sustainable Urban Drainage System (SUDS). Details on this are provided in Section 8, below.

3.3 The additional information and amendments do not necessitate re-consultation.

Site and Surroundings

3.4 Currently vacant, the subject site is located to the rear (north-east) of 16 Highfield Hill and the rear (west) of 17-29 Hamlyn Gardens. 16c/d/e Highfield Hill are accessed through the subject site via the existing unsurfaced access track. A public footpath runs along the site's west/north-west boundary.

3.5 The surrounding area is predominantly residential character, with a variety of large detached townhouses (along Highfield Hill) and two-storey semi-detached and terraced dwellings (such as those in Hamlyn Gardens). The site is not located within a conservation area and is not subject to any statutory or local designations. The site does however contain and is surrounded by a significant number of large, visually prominent trees. Three of these trees are preserved via Tree Preservation Orders (TPO no. 37, 1988; and TPO no. 12 2017). These trees present a significant constraint to development on the site. The surrounding area is also at risk of surface water flooding, although the subject site itself is not identified as being at risk from any forms of flooding.

Planning History

3.6 The following planning decisions are relevant to the application site:

15/02269/P – Application withdrawn for Erection of two/three storey building at rear comprising 7 x 2 Bed flats and 1 x 1 Bed flat; formation of vehicular access and provision of associated parking.

00/00203/P – Permission granted for Erection of 1 four bedroom detached house with garage and 2 parking spaces and 1 three bedroom detached house with 2 parking spaces; formation of vehicular access. The permission was never implemented and has therefore now lapsed.

94/01589/P – permission granted for Erection of 1 four bedroom detached house with garage and 2 parking spaces and 1 three bedroom detached house with 2 parking spaces; formation of vehicular accesses. The permission was never implemented and has therefore now lapsed.

4 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would provide much needed residential accommodation on a back land site.
- Due to the proposal's design and subject to conditions securing appropriate tree protection measures, the preserved trees would not be harmed.
- The scheme would not result in significant harm to the amenity of adjoining occupiers.
- The scheme would be of a high quality and would not appear out of character or scale to its surroundings.
- The proposal would not harm the highway or significantly exacerbate parking pressure in the surrounding area.
- Full details of suitable on-site drainage can be secured by condition.
- To ensure the proposal does not harm wildlife, a condition can secure an ecology survey is carried out and any necessary mitigation measures identified to avoid harm are implemented prior to commencement.
- The proposed units would provide suitable living conditions for future occupiers.
- The building's sustainability credentials can be secured by condition.
- Adequate refuse storage and collection arrangements are proposed.

5 CONSULTATION RESPONSE

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

5.2 The following were consulted regarding the application:

- Strategic Transport: no objection subject to conditions.
- Tree Team Section: no objection subject to conditions.
- Lead Local Flooding Authority: no response.

6 LOCAL REPRESENTATION

6.1 The application has been publicised by way of neighbour letters. 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: 26 Objecting: 26 Supporting: 0

No of petitions received: 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:

Summary of objections	Response
Overdevelopment	The provision of two two-storey detached buildings with large garden areas and off-street parking does not constitute over-development of this site. It is also relevant to note that the erection of two detached buildings, of a not dissimilar scale to this proposal, has previously been approved under permission 00/00203/P (although this has now lapsed).
Inaccurate redline boundary	Following this issue being raised by objectors, the applicant submitted a Land Registry Title and Plan for the applicant's title no. SGL 572065. This confirms the applicant's ownership of the application site and demonstrates that the application's red line boundary aligns with the registered title and plan held by the Land Registry. It is unclear why the plans provided by objectors show the boundary in a different location. However, the registered Title and Plan held by the Land Registry is the appropriate recognised source of land ownership. The application redline boundary is therefore considered to be correct and only includes the applicant's title no. SGL 572065.
Proposed removal of sycamore (T4 on the plans) requires permission from adjoining landowner as tree falls partly within their boundary	The Land Registry details confirm that the land edged in red within the application documents only includes the applicant's land (and this includes the T4 sycamore). However, removal of trees which are not in sole control/ownership of the applicant is, in any event, a civil rather than a planning matter.
Not in keeping with the surrounding area	The buildings would be of a high quality and their appearance would not appear out of character; whether the buildings accommodate single family dwellings or flats is not relevant with regards character.
Development's effect on trees both on-site and adjoining the site (including the preserved trees on-site and T5 in the rear of 14 Highfield Hill), from construction and	A full BS5837 arboriculture report (containing a Tree Survey, Arboricultural Impact Assessment & Arboricultural Method Statement and tree protection plan) was submitted with the application. This demonstrates that the proposal has been designed to avoid harming preserved trees. Further consideration of this issue is set out in Section 8, below.

car parking/movements	
Need for an independent tree survey	The arboriculture report submitted was completed by a qualified Arboricultural Consultant and was produced in accordance with the British Standard 5837: 2012 ' <i>Trees in Relation to Design, Demolition and Construction - Recommendations</i> ' (known as BS5837). The Council's Tree Officer has reviewed the proposal and BS5837 arboriculture report and does not object to the proposal subject to conditions securing compliance with the report's findings and mitigation measures. There is therefore no need for an independent tree survey to be commissioned.
Development's effect on wildlife	Objectors have set out that the subject site contains various wildlife, including owls, woodpeckers, rabbits and foxes. Given the number of trees and vegetation on and surrounding the subject site, it is not surprising to hear that wildlife use the site. There is however no indication that this use includes protected species which require consideration prior to determination of the application. As such, a condition can be used to ensure the proposal does not harm wildlife. The condition will require an ecology survey to be carried out (and any necessary mitigation measures implemented) prior to commencement of works on site. Further consideration of this issue is set out in Section 8, below.
Overlooking/loss of privacy	The proposal is located to the rear of 16 Highfield Hill and several properties in Hamlyn Gardens. The separation distance between the proposed and existing buildings, the scheme's design and land levels serve to reduce the potential for the amenity of adjoining occupiers to be harmed. However, following concern raised by objectors regarding levels of daylight and overlooking/loss of privacy, the application submitted some further information and amends to the proposed plans. These demonstrate that the harm to neighbour amenity would not be significant and does not warrant a refusal reason. Further consideration of this issue is set out in Section 8, below.
Daylight/sunlight Assessment should include ADF	Following the applicant submitting additional details on the use of ADF, it is not considered that the Daylight/Sunlight Assessment needs to be amended to include ADF. Further consideration of this issue is set out in Section 8, below.
Loss of light	The Daylight/Sunlight Assessment demonstrates that the development's effect on light levels for adjoining properties would not be significant and would not exceed recommended levels. Further consideration of this issue is set out in Section 8, below.
Noise disturbance (from parking and new units) and loss of peaceful environment	The introduction of two new detached buildings (comprising five new residential units) and five parking spaces would not result in a material increase in noise disturbance or significantly affect the area's peaceful environment. The noise generated from leaves/acorns dropping on to new residents' car roofs would not be significant and not disturb neighbours.

Light pollution (from car lights and the new units)	The introduction of lighting to the new residential units would not be significant or appear out of context in the already-developed wider/surrounding area. Car lights would only be temporal and infrequent. The site is also situated on land which is lower than the dwellings in Hamlyn Gardens. Boundary treatment would further reduce the visibility of car lights. A lighting plan for whole site can also be secured by condition to ensure sufficient light levels for new residents without such lighting harming neighbours.
Communal garden is too large	The communal garden would provide sufficient amenity space for residents in the flats; it is also not considered that the site could accommodate more development than is proposed, so the amount of soft landscaping/amenity space is considered appropriate
Lack of eastern elevation of the bin store for house 1	This bin store will be surrounded by existing boundary treatment and situated on land lower than Hamlyn Gardens; the bin store will therefore not be particularly visible. However, details of the bin store can be secured by condition.
Site visit from Hamlyn Gardens	The Planning Officer has visited the application site and its surroundings on a number of occasions. A resident of Hamlyn Gardens also kindly permitted the Officer to view the site from their rear garden. The Officer therefore knows the site and its surroundings well.
Neighbour consultation	As per the Council's Adopted Constitution, the Council no longer displays site notices for applications of this nature. Neighbour letters were sent to all immediately adjoining properties, as required by legislation.
Parking, highways, pedestrian safety and vehicle emissions	One off-street parking space is provided per unit, which is considered sufficient; the proposal would not result in a significant increase in vehicle movements which would affect the highway or materially increase vehicle emissions; the private access track is relatively narrow but there is sufficient space for pedestrians and vehicles and the track is already used by vehicles; this development will not result in a significant increase in vehicular movements that safety would be compromised or materially different to the existing situation. Further consideration of this issue is set out in Section 8, below.
Effect of construction lorries and equipment	The Council has produced guidance on construction logistics. An informative can inform the developer of the need to comply with the guidance. Access during construction for existing residents using the vehicular track is a civil matter as the track is in private ownership. The effect from construction lorries and associated equipment on the private access track is also not a planning matter.
Emergency vehicle access	There is sufficient width for ambulances to access the site and it appears that (even at its narrowest points), a fire appliance could also access/get within sufficient distance to the site. However, to ensure this is the case, a condition can be added to secure confirmation that a fire appliance can

	access the site, or alternatively the provision of a dry riser on site can be secured.
Drainage issues	A flood risk assessment and drainage strategy have been submitted with the application and (following the submission of some additional supporting drainage information) are acceptable. Further consideration of this issue is set out in Section 8, below.
Refuse collection	The new residential units would have sufficient bin stores, with residents wheeling the bins to the kerb (as is currently the case for 16 A-E Highfield Hill) on the day of collection.
Subsidence of adjoining sites (especially 17 Hamlyn Gardens) from removal of the T4 sycamore and poisoning of its roots	This issue is a matter covered by Building Regulations and is not a material planning consideration.
Impact on retaining wall at 18 Highfield Hill	This issue is a matter covered by Building Regulations and is not a material planning consideration. However, for information, highways records indicate that this part of the access track does not form part of the public highway and is private land.

7 RELEVANT PLANNING POLICIES AND GUIDANCE

7.1 In determining any planning application, the Council is required to have regard to the provisions of its Development Plan so far as is material to the application and to any other material considerations and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The Council's adopted Development Plan consists of the Consolidated London Plan 2015, the Croydon Local Plan: Strategic Policies 2013 (CLP1), the Croydon Replacement Unitary Development Plan 2006 Saved Policies 2013 (UDP) and the South London Waste Plan 2012. The draft Croydon Local Plan: Detailed Policies and Proposals (CLP2) and a partial review of CLP1 (CLP1.1) were submitted to the Secretary of State in early February 2017 with the Examination in Public held in May 2017. The Inspector's Report was published in January 2018. While still formally in draft form, the policies in CLP1.1 and CLP2 are therefore material considerations carrying significant weight. CLP1.1 and CLP2 are due to be formally adopted on 27 February 2018.

7.2 Government Guidance is contained in the National Planning Policy Framework (NPPF), issued in March 2012. 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.
- Promoting sustainable transport and requiring transport assessments.
- Achieving sustainable and low carbon development to meet the challenge of climate change and flooding.

- Encouraging the effective use of land by reusing land that has been previously developed.

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

7.4 Consolidated London Plan 2015 (LP):

- 5.1 (Climate change mitigation)
- 5.2 (Minimising carbon dioxide emissions)
- 5.12 (Flood risk management)
- 5.13 (Sustainable drainage)
- 6.3 (Assessing effects of development on transport capacity)
- 6.9 (Cycling)
- 6.13 (Parking)
- 7.1 (Lifetime neighbourhoods)
- 7.4 (Local character)
- 7.6 (Architecture)
- 7.15 (Noise)
- 7.21 (Trees and woodlands)

7.5 Croydon Local Plan: Strategic Policies 2013 (CLP1 and CLP1.1):

- SP2 (Homes)
- SP4 (Urban Design and Local Character)
- SP6 (Environment and Climate Change)
- SP8 (Transport and communication)

7.6 Croydon Replacement Unitary Development Plan 2006 Saved Policies 2013 (UDP):

- H2 (Supply of new housing)
- H5 (Back land and back garden development)
- EP1 (Control of Potentially Polluting Uses)
- EP2 and EP3 (Land Contamination)
- NC3 (Nature conservation)
- NC4 (Woodland, Trees and Hedgerows)
- T2 (Traffic Generation)
- T4 (Cycling)
- T8 (Car parking standards)
- UD2 (Layout and Sitting of New Development)
- UD3 (Scale and Design of New Buildings)
- UD8 (Protecting residential amenity)
- UD13 (Parking Design and Layout)
- UD14 (Landscape design)
- UD15 (Refuse and recycling storage)

7.7 The draft Croydon Local Plan: Detailed Policies and Proposals (CLP2):

- DM11 (Design and character)
- DM14 (Refuse and recycling)
- DM17 Promoting healthy communities

- DM24 (Sustainable design and construction)
- DM26 (Sustainable Drainage Systems and reducing flood risk)
- DM28 (Protecting and enhancing our biodiversity)
- DM29 (Trees)
- DM30 (Sustainable travel and reducing congestion)
- DM31 (Car and cycle parking)

7.8 There is relevant Supplementary Planning Guidance as follows:

- Mayor's Housing SPG

8 MATERIAL PLANNING CONSIDERATIONS

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

1. Principle of development
2. Townscape and visual impact
3. Amenities of nearby occupiers
4. Living conditions of future occupiers
5. Parking and transportation considerations
6. Trees/landscaping
7. Wildlife
8. Flooding and drainage
9. Refuse/recycling storage
10. Sustainability

Principle of development

8.2 Nationally and locally, there is a recognised need for new housing/accommodation. The National Planning Policy Framework (NPPF) supports the effective use of land that has been previously developed, whilst the London Plan promotes a balanced mix of tenures to provide mixed communities. In relation to the site's back land nature, the Mayor's Housing SPG (2016) states that "Infill opportunities within existing residential areas should be approached with sensitivity, whilst recognising the important role well-designed infill or small-scale development can play to meeting housing need." Local policy sets out the Council's approach to back land development, seeking to ensure that proposals complement the area's surrounding character, the remaining existing garden area would be of sufficient size and the proposal would not harm the amenity of adjoining occupiers.

8.3 Subject to the proposal meeting the requirements of the above criteria and other policies as outlined in the relevant sections below, residential use of the subject site is acceptable in principle. It should also be noted that the principle of residential use of the subject site has previously been accepted under permissions 00/00203/P and 94/01589/P.

8.4 Particularly relevant to this scheme's acceptability is the proximity of surrounding residential buildings and the presence of preserved trees on and surrounding the site. Both of these represent potentially significant constraints to development of the site,

and highlight the need for a sensitively and well-designed scheme. However, as covered below, it is considered that the proposal would respect the area's surrounding character, would not harm preserved trees and the harm to neighbour amenity would not be significant. Providing 1 x four-bedroom house and 4 x two-bedroom flats, the proposal would also provide an element of family housing, which is much needed in the borough.

Townscape and visual impact

- 8.5 The proposal would result in two high-quality two-storey buildings with accommodation in their roof spaces. The buildings would have an acceptable mass, design and appearance and would respect their surroundings. Details have been submitted for the proposed external facing materials, as per the external materials schedule (ref 3124/External materials schedule 01, dated 23 November 2017). This demonstrates that high quality materials are proposed to be used. This is acceptable subject to a condition securing full details (including which materials would be where, depth of window reveals, and details setting out where the proposed green roofs would be).
- 8.6 The five parking spaces would take up the middle part of the site between the two buildings. Despite this, the proposal would include sufficient soft landscaped areas and the parking would not unacceptably dominate the site. However, to ensure sufficient soft and hard landscaping and boundary treatment, a condition should be included to secure these details.

Amenities of nearby occupiers

- 8.7 The proposal site is bounded by residential uses. Although 16 C&D lie to the north-east of the site, they would be well separated from the site and the existing landscaping also provides significant screening. 18 Highfield Hill lies to the west of the site. While the new residential units would look towards no. 18 and its large rear garden, they would be sufficiently separated by the access track and public footpath, and boundary treatment and existing landscaping (including large trees) provide considerable screening. The closest residential buildings that could therefore be most affected by the proposal include the dwellings on Hamlyn Gardens (principally nos 17-29, situated to the east of the site) and 16 Highfield Hill (situated to the south).
- 8.8 At its closest point, the flank (southern) wall of House 1 would be approx. 19mts from the rear of 16 Highfield Hill. House 1's upper floor windows are proposed to be obscure glazed, while the existing boundary treatment would prevent overlooking from the ground-floor windows. House 1's southern elevation would also include some visual interest and not present an entirely blank wall to adjoining sites. Accordingly, it is considered that the proposal would not result in an unacceptable or material harm to the amenity of occupiers in 16 Highfield Hill with regards overlooking/loss of privacy and visual intrusion.
- 8.9 There would be a back-to-back separation distance of approx. 13mts between the ground-floors of the flats and the dwellings in Hamlyn Gardens. However, given the change in land levels (the ground floor level of the Hamlyn Garden properties would be situated approx. 2mts higher than the ground-floor levels of the proposed buildings) and boundary treatment, there would be no issues arising with this adjacency. The most relevant back-to-back measurement is therefore between the first-floors of the proposed buildings and the ground-floors in Hamlyn Gardens. In this case, the back-

to-back distances measure approx. 16-17mts. It should be noted that this is the worst-case scenario/measurement, as the Hamlyn Gardens' ground-floors project (by approx. 2mts) beyond their first-floors.

- 8.10 This is slightly closer than best/common practice which is generally accepted as 18mts with regards privacy and overlooking issues. For example, the Mayor's Housing SPG states that planning guidance for privacy has historically been concerned with achieving visual separation between dwellings by setting a minimum distance of 18 – 21mts between homes (between habitable room and habitable room). However, it goes on to state while "These can still be useful yardsticks for visual privacy...adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city, and can sometimes unnecessarily restrict density" (para 2.3.36).
- 8.11 Given this guidance and on the basis of the following, it is considered that the proposal would not result in a material and unacceptable increase in overlooking/loss of privacy that would warrant a refusal: the change in land levels; the existing trees (which will be retained); existing boundary treatment and some outbuildings/sheds in the rear gardens of Hamlyn Gardens properties; the new units being dual aspect (and therefore not relying solely on windows looking towards Hamlyn Gardens); the back-to-back separation distance of more than 16mts; and the reduction (during determination) in size of the proposed rear windows in the new buildings (by raising the window sills) and introduction of louvres on 6 of the new buildings' rear facing windows.
- 8.12 Due to the separation distances, land levels, orientation of the site and the existing trees that will be retained, it is also considered that the proposal would also not harm the amenity of adjoining occupiers to a significant degree with regards daylight/sunlight, outlook and visual intrusion. Hamlyn Gardens houses also dual aspect. They are therefore not solely reliant on light from the direction of the application site. Confirming this with respect to daylight/sunlight, a Daylight Sunlight Assessment was submitted, which has assessed all windows of immediately adjoining properties which face the application site. The Daylight Sunlight Assessment demonstrates that whilst the development would lead to some minor reductions in the levels of light/vertical sky components for adjoining dwellings, the changes would not be significant and would not exceed BRE guidance.
- 8.13 Objectors raised concerns about the Daylight Sunlight Assessment. Some representations raised the issue of Vertical Sky Component (VSC) and Average Daylight Factor (ADF) measurements, and requested that the Daylight Sunlight Assessment include not just VSC but also ADF. In response to this, the applicant's daylight consultant (T16 Design, who wrote the Daylight Sunlight Assessment), confirmed that where an analysis is being made of the effects of a proposal on neighbours, BRE guidelines expressly recommend *against* using ADF as a tool for assessing the impact on adjoining buildings ("*Use of the ADF for loss of light to existing buildings is not generally recommended*", BRE guidance '*Site Layout Planning for Daylight and Sunlight*', 2011, Appendix F - F7). One of the reasons for this is that ADF takes into consideration – and is very sensitive to – lots of factors that are unlikely to be known with any certainty (wall/ceiling/floor colour, as well as room layout). ADF can potentially therefore provide misleading results. ADF is primarily used to establish the daylight levels in new builds (where things like finishes are within the developer's control). It is therefore considered that the Daylight/Sunlight Assessment is sufficient and its findings are agreed.

Living conditions of future occupiers

- 8.14 All the new residential units would comply with the minimum gross internal area required. House 1 would have a private rear garden which is more than sufficient for the four-bedroom house. The four flats would have access to two large communal garden/amenity areas. The provision of defensive planting would protect occupiers' amenity of the ground-floor flats and House 1.
- 8.15 While private outside space is often the preferred solution, the provision of communal amenity space for the flats is considered appropriate and acceptable at this site. This is on the basis that: tree shading of communal gardens is less likely to result in residents' future requests for tree pollarding/removal than compared to tree shading of private gardens; and providing balconies/terraces could result in overlooking to adjoining properties.
- 8.16 All the units would be at least triple aspect. The Daylight and Sunlight Assessment demonstrates that the new units would – even with the retained trees and the shading they would provide – achieve sufficient levels of internal daylight (exceeding the British Standard average daylight factors) and gardens would receive sufficient sunlight. To offset the reduced size of the rear windows (as set out above), the first-floor windows to flats 3 and 4 in the flank elevations facing north and south have been increased in size, with the sills lowered to floor level. An additional window has also been added to each, resulting in three windows instead of the previous two. This will sufficiently offset for the reduction in size of the east facing windows. This has no impact on overlooking of neighbours (as detailed above) and will also enhance passive surveillance of the communal gardens. With c.16mts between the flats and House 1, and House 1's flank windows serving a stairway and a dual aspect bedroom, the increase in flank elevation fenestration to the flats would also not give rise to unacceptable levels of overlooking between future occupiers of the flats and House 1.

Parking and transportation considerations

- 8.17 The site is located in an area with a PTAL of 1, which is low. This means the site has poor accessibility to public transport. A total of 5 car parking spaces (including one designed as a disabled space) are proposed, equating to 1 for each residential unit. Given the poor accessibility of the site, this is considered appropriate. The Transport Statement also provides vehicle ownership census data, showing that the vast majority of households in the surrounding area own no more than one vehicle (39.5% of households own no cars/vans, while 49.1% of households own one car/van). On the basis of the census data, the Transport Statement predicts that if the level of car ownership identified in the census data is reflected across the development, only three of the five properties would have a vehicle. With the site's low PTAL, the provision of five off-street spaces, and the availability of on-street parking in the surrounding area, the level of parking proposed is considered acceptable.
- 8.18 Access to the site would be via the existing access track which runs from Highfield Road. The area to the side of number 16 is approximately 6.5mts wide, and consists of a shared footway and vehicular access. The access road then splits into two. The western side is footway, involving a public footpath between Highfield Hill and College Green. The eastern side access splits off, narrows to approx. 2.75mts and continues (widening out) beyond number 16. The eastern access track provides private vehicular access for nos. 16 and 16 C&D Highfield Hill, the latter located to the north of the application site. Given the access track is already in use by existing residential properties and there is good visibility along Highfield Road from the access, use of the track by residents of the new residential units is considered acceptable. While vehicular

movements would increase with more residents using the track as a result of the development, the increase would not be significant and would therefore not harm highway or pedestrian safety.

- 8.19 The access track currently consists of approx. 22mts of concrete surface from Highfield Hill, with the remainder unmade. As set out in the Transport Assessment, the application proposes to make improvements to the track. The concrete (eastern) section of the access road would be re-surfaced using asphalt or concrete to tie-in with the existing pedestrian footpath. Beyond this, the applicant proposes that the access track would be realigned and re-constructed (with cellweb, to protect tree roots). After the initial pinch point (of approx. 2.75mts), the access road would increase in width to approx. 3.5mts. These proposed improvements would ensure the track was sufficient for both construction purposes and for use by residential vehicles and pedestrians accessing the existing and new residential units. However, as the access track is not within the applicant's red line boundary (and is privately owned), a condition will be required to secure these works prior to commencement.
- 8.20 Having reviewed the application, the Council's Transport Officer considers that the access arrangements are acceptable and that the proposed development would not have a significant impact on traffic using the access road or the surrounding road network. Subject to some further details being secured, as set out below, the Transport Officer did therefore not object to the application.
- 8.21 Cycle storage is provided in accordance with London Plan standards and is acceptable, subject to this being secured by condition. Electric Vehicle charging points should be provided in accordance with London Plan standards and also include for the disabled space. This can be secured by condition.

Trees/landscaping

- 8.22 The site contains and is surrounded by a large number of prominent and good quality trees. A full BS5837 arboriculture report (containing a Tree Survey, Arboricultural Impact Assessment & Arboricultural Method Statement and tree protection plan) has been submitted with the application. The tree survey identifies eight individual specimens and one group. The arboriculture report correctly identifies that trees T3 and T6 on the survey plan are subject to TPO no. 37, 1988 and T1 (Holm oak) subject to TPO no. 12, 2017.
- 8.23 The arboriculture report sets out that due to the site's orientation, access and proximity to trees, avoidance of tree crowns and root protection areas (RPAs) would essentially preclude/overly restrict development at the site. The development has therefore been designed to incorporate tree protection rather than avoidance.
- 8.24 Trees adjoining the site (T5, T7, T8 and G1), and therefore not within the application boundary, will be retained and protected. This would be achieved through avoidance of crowns and design/construction methods (detailed below) accounting for RPAs.
- 8.25 The development would be clear of T2 and T4. However, due to the poor health of T4, the arboriculture report recommends that T4 is removed on health and safety grounds (the arboriculture report gives this tree a U category, meaning it not in good health and is not expected to last beyond ten years).

- 8.26 The remaining trees (T1, T2, T3 and T6) would be subject to some pruning (including lateral branch reduction) but would be retained as part of the development. Design measures would be incorporated into the development to protect their RPAs. This includes: use of piling and raised ground beam foundations; retaining existing soil levels; no dig areas; use of ground protection and protective barrier fencing (during construction); and the use of Cellweb and permeable surfacing.
- 8.27 To mitigate the tree pruning works, the arboriculture report proposes new tree planting within the site. Full details of the proposed landscaping of the site, including the provision of new trees, can be secured by condition.
- 8.28 The Council's Tree Officer has reviewed the application and arboriculture report. Subject to conditions securing compliance with the arboriculture report and full landscaping details, there is no objection on arboriculture grounds. Conditions can also ensure future harm to trees is avoided, which could arise from for example future residents building new outbuildings and the communal amenity areas being separated into private gardens.
- 8.29 The arboriculture report submitted with the application was completed by a qualified Arboricultural Consultant. It was produced in accordance with the British Standard 5837: 2012 '*Trees in Relation to Design, Demolition and Construction - Recommendations*' (known as BS5837). The arboriculture report is considered to be sufficiently detailed. It contains sufficient mitigation and management measures to ensure that preserved and value trees on and surrounding the site would be retained as part of the development. The scheme's design also indicates that the retained trees would not be subject to such pressure from future residents for their removal so as to make the scheme unacceptable. The development has clearly been designed to deal with the site's particularly sensitive tree issues and is found to be acceptable with regards to this material consideration.

Wildlife

- 8.30 Several public representations have highlighted use of the application site for various wildlife, including (tawny) owls, woodpeckers, rabbits and foxes. While some organisations identify some of these species as of conservation concern (such as the tawny owl, listing its conservation status of as amber, meaning the bird is considered to be vulnerable and of conservation importance), other organisations do not (the Wildlife Trusts lists the tawny owl as 'common' and the BTO as 'Green Listed'). The other animals mentioned by objectors are relatively common and there is no indication that the site includes protected species which require consideration prior to determination of the application. Indeed, other than the large trees, the site itself generally consists of relatively poor quality scrubland which is unlikely to provide sufficient habitat for a significant number of fauna or rare/protected species.
- 8.31 Despite this, with the site being vacant and containing a number of trees and vegetation, it is not surprising that wildlife use the site. As such, a condition should be attached to any permission to ensure the proposal does not harm wildlife. The condition will require an ecology survey (a phase 1 habitat and species survey) to be carried out by a qualified ecologist prior to commencement of works on site. This will identify exactly what species use the site, their numbers etc, the development's effect on them, and what measures could be implemented to avoid/reduce any harm and also provide environmental enhancement. This will ensure wildlife are protected.

8.32 It should also be noted that all birds are protected under the Wildlife and Countryside Act 1981. This provides a certain minimum level of protection in any event, and sets out that it is an offence to (amongst other aspects): intentionally kill, injure or take any wild bird; intentionally take, damage or destroy the nest of any wild bird while it is in use or being built; and to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

Flooding and drainage

8.33 A Flood Risk Assessment (FRA) was submitted with the application, covering flooding and drainage. It sets out the site's baseline conditions, details the site's low/very low/no risk of flooding from all sources and includes a proposed drainage strategy. Working through the SUDS hierarchy and accounting for climate change, it proposes the use of permeable paving, and managing surface water discharge from the site through attenuating flows and restricting discharge rates through the provision of an underground attenuation tank with hydro brake (with a discharge rate of 2l/s).

8.34 The FRA demonstrates that the site would not be at risk of flooding and would not increase flood risk in the surrounding area subject to the provision of a suitable SUDS. However, following previous advice from the Lead Local Flood Authority (who declined to comment on this application as their statutory remit only covers Major applications), the applicant was requested to provide some further clarifications on SUDS details in order to demonstrate that the proposed on-site drainage was deliverable and adequate. This was provided in the form of a technical note covering drainage, and it provides sufficient detail confirming site drainage will be achievable (including confirmation from Thames Water that have enough capacity for the proposed discharge volume) and sufficiently maintained.

8.35 Subject to conditions securing compliance with the recommendations in the FRA and Drainage Strategy Technical Note, the development would be acceptable with regards flooding and drainage.

Refuse/recycling storage

8.36 Enclosed refuse stores would be provided on site for use by future residents. The stores are however further than the maximum 20mt drag-distance for collection from Highfield Hill. The applicant states that residents would move their bins to a temporary collection point near/on Highfield Hill on the day of collection. Subject to a condition confirming details of this (via a waste management plan), this is acceptable. A condition can also secure full details of the enclosure proposed for House 1's bin store.

Sustainability

8.37 To ensure a sustainable development with reduces energy and water use, conditions can be included with any permission to reduce CO2 emissions by 19% beyond building regulations and limit water use by future occupiers.

Other Planning Issues

8.38 None.

Conclusions

- 8.39 The proposal would provide much needed residential accommodation in the borough. Any harm arising from the scheme would not be significant and the proposal is considered acceptable with regards to material planning considerations. It is therefore recommended that permission be granted subject to the conditions listed above.
- 8.40 All other relevant policies and considerations, including equalities, have been taken into account.