



**PART 7: Planning Applications for Decision**

**Item 7.3**

**1 SUMMARY OF APPLICATION DETAILS**

Ref: 17/00364/FUL  
 Location: 7-9 Arkwright Road, South Croydon, CR2 0LN  
 Ward: Sanderstead  
 Description: Erection of 3 x three bedroom detached dwellings at rear, formation of access road and provision of associated garage, parking and landscaping  
 Drawing Nos: Location Plan P-001 Received 25.01.2017, Site plan ARP002 Rev A Received 25.04 .2017, Landscaping/Planting ARP003 Received 25.01.2017, Site plan ARP012 Received 25.01.2017, Elevations and Floor Plans ARP007 Received 25.01.2017, Elevations ARP-011 Received 25.01.2017, Floor plans ARP-010 Received 25.01.2017, Floor plans ARP-008 Received 25.01.2017, Elevations ARP--09 Received 25.01.2017, Elevations and Floor Plans ARP-006 Received 25.01.2017, Floor plans HPR67P-004 Received 25.01.2017, Elevations ARP-005 Received 25.01.2017  
 Applicant: KB Developments (Surrey) Ltd  
 Agent: Mr Spencer Copping  
 Case Officer: Louise Tucker

1.1 This application is being reported to Planning Committee because the Ward Councillor (Cllr Tim Pollard) made representations in accordance with the Committee Consideration Criteria and requested Planning Committee consideration, and representations over the threshold for Committee Consideration were received.

**2 RECOMMENDATION**

- 2.1 That the Committee resolve to GRANT planning permission.
- 2.2 That the Director of Planning and Strategic Transport has delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

**Conditions**

- 1) In accordance with approved plans
- 2) Materials to be submitted including samples
- 3) No windows to be provided in the south eastern or north western elevations other than as specified in the application and those shown shall be provided as obscure glazed and retained in that form for the lifetime of the development
- 4) Removal of permitted development rights for enlargements
- 5) Landscaping scheme to be submitted including details of hard and soft landscaping around access road and boundary treatment.
- 6) Development to be carried out and tree protection measures to be implemented entirely in accordance with submitted Arboricultural Method Statement
- 7) Details to be agreed and provided prior to occupation: refuse and cycle storage
- 8) Access and parking arrangements to be provided as specified in the application

- 9) 19% reduction in carbon emissions
- 10) Water usage restricted to 110 litres per person per day
- 11) Badger mitigation strategy to be submitted
- 12 Provision of visibility splays
- 12) Commencement of development within three years of consent being granted
- 13) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport

### **Informatives**

- 1) Site notice removal
- 2) CIL liability
- 2) Any other informative(s) considered necessary by the Director of Planning and Strategic Transport

## **3 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- Erection of three detached dwellings sited in the rear gardens of 7 and 9 Arkwright Road;
- Access to dwellings via a new access road off Arkwright Road between the two donor properties – to be laid out in the form of a “home-zone” with raised speed tables – to reduce traffic speeds within the access:
- Units 2 and 3 would have integral garages with a parking space to the front, with a double garage provided for Unit 1

### **Site and Surroundings**

- The application site is currently occupied by two large detached properties on the north western side of Arkwright Road in South Croydon
- The surrounding area is wholly residential in character, mostly comprising detached properties in generous plots
- The site is not subject to any constraints set out in the Croydon Local Plan: Strategic Policies (2013) maps, but there are Tree Preservation Orders (TPOs) protecting trees on/around the site.
- Shenley Close, situated to the north east and comprising 3 detached houses, was formed from the rear gardens of 11-15 Arkwright Road which was given planning permission in 2005 (most recent consent) (LBC Ref 05/02334/P)

### **Planning History**

3.1 The following planning decisions are relevant to the application:

07/01933/P: On 27<sup>th</sup> August 2007, planning permission was refused for the erection of four bedroom detached house at rear with attached garage; alterations to vehicular access and provision of associated parking. The reasons for refusal focussed on the effects of the proposed house on neighbouring amenities (privacy and visual intrusion) inappropriate scale and massing resulting an unsatisfactory cramped form of back land development, the close proximity of the proposed development to a badger set and the effect of the development on the health of protected trees.

## **4 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- The principle of backland development in this location is considered acceptable and is comparable in terms of siting and form to a neighbouring development (Shenley Close). The proposed access off Arkwright Road would cause some visual impact on the street-scene, but with further landscape mitigation and the adoption of a “home-zone” approach to proposed access arrangements the proposal is considered acceptable on balance, with the imposition of a robust landscaping condition to soften the appearance of the access and integrate it into the streetscene. There is no apparent access alternative to enter the rear part of the site off Shenley Close.
- The relationship with the surrounding properties is considered to be sufficient to retain light, outlook and privacy of these adjoining occupiers, with the imposition of suitable planning conditions. The development meets policy requirements which seek to safeguard the living conditions of future occupiers, with acceptable internal floorspace and layouts and amenity space for occupiers of each dwelling.
- The PTAL rating of the site is 0 indicating very poor access to public transport links. The development provides 2 parking spaces per unit which is in accordance with the Council’s car parking standards for new development. Details of cycle and refuse storage can be secured by condition.
- There are Tree Preservation Orders (TPOs) covering some trees on the site. The applicant has provided an Arboricultural Method Statement with the application which is considered to detail adequate tree protection methods to prevent damage to these specimens as a result of the development, and during construction of the development. This Method Statement can be secured by condition.
- The applicant has submitted an Ecological Appraisal with their application, which indicates the presence of badgers on the site. This concludes the development may result in harm to badger foraging areas and setts on the site, but recommends the submission of a badger mitigation strategy to detail mitigation measures and replacement habitats. This can be secured by a pre-commencement condition.

## **5 CONSULTATION RESPONSE**

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

## **6 LOCAL REPRESENTATION**

- 6.1 The application has been publicised by way of one or more site notices displayed in the vicinity of the application site. The number of representations received from neighbours, local groups etc. in response to notification and publicity of the application were as follows:

No of individual responses: 19      Objecting: 17      Supporting: 4      Comments: 2

- 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:

- Out of character with the area
- Inappropriate backland development/garden grabbing
- Overdevelopment of the site
- Impact on residential amenities of adjoining occupiers through loss of privacy, loss of light, overbearing impact, noise and disturbance
- Impact on wildlife including badgers and birds
- Impact on trees
- Too dense
- Increase in traffic
- Insufficient parking provision
- Detrimental to highway safety
- Increased pollution
- Substandard living conditions of new buildings
- Construction noise and disturbance
- Pressure on local schools
- Drawings submitted misrepresent the relationship with neighbouring properties [OFFICER COMMENT: It is not a validation requirement to show neighbouring properties or views from neighbouring properties. The submitted site plans and elevations are considered sufficient to determine the application alongside the Council's own maps and analysis including a site visit]
- Loss of views [OFFICER COMMENT: This is not a material planning consideration]
- Interference with badger setts has taken place over time [OFFICER COMMENT: This is not material to the determination of the application]
- Land covenants [OFFICER COMMENT: This is not a material planning consideration]
- Inadequate notification of application [OFFICER COMMENT: The application was advertised in accordance with site notification protocols]
- 9 Arkwright Road has been building an extension which has caused damage to neighbouring properties and was not advertised enough [OFFICER COMMENT: This is not a material planning consideration and is not relevant to this determination of this application]
- Detrimental impact on local water pressure [OFFICER COMMENT: This is not a material planning consideration]
- Devaluing neighbouring properties [OFFICER COMMENT: This is not a material planning consideration]

6.3 Councillor Tim Pollard has made the following representations:

- Overdevelopment of the site
- Privacy of adjoining occupiers
- Potential damage to badger sett

## **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. (This

list and the paragraphs below, will need to include CLP1.1 and CLP2 once they have weight and become material planning considerations).

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
- Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions
- Delivering a wide choice of high quality homes
- Providing a good standard of amenity for existing and future occupants of buildings and land
- Promoting sustainable transport

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

Consolidated London Plan 2015 (LP):

- 3.3 Increasing Housing Supply
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 on Architecture
- 7.19 Biodiversity and Access To Nature

Croydon Local Plan: Strategic Policies 2013 (CLP1):

- SP1.2 Place Making
- SP4.1 & 4.2 Urban Design and Local Character
- SP7.4 Biodiversity

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

- H2 Supply of New Housing
- H5 Back Land and Back Garden Development
- UD2 Layout and Siting of New Development
- UD3 Scale and Design of New Buildings
- UD6 Safety and Security
- UD8 Protecting residential amenity
- UD14 Landscape design

- T2 Traffic Generation from Development
- T8 Car Parking Standards in New Development
- NC2 Specially Protected and Priority Species and their Habitats
- NC3 Nature Conservation Opportunities throughout the Borough
- NC4 Woodland, Trees and Hedgerows

## **8 MATERIAL PLANNING CONSIDERATIONS**

8.1 The main planning issues raised by the application that the Planning Committee should consider are:

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

### **Principle of development**

8.2 The proposal would comprise backland development, with access taken off Arkwright Road. The scheme has similarities with a neighbouring development, Shenley Close which was granted planning permission back in 2005. Therefore the principle of backland development has been established. The proposal would provide three additional units within an established residential area. There would no objection in principle, subject to consideration of all the other material issues which are discussed below.

### **Townscape and visual impact**

8.3 The area is characterised mostly by detached properties of differing styles, in generous plots with large rear gardens. As stated there are some examples of backland house plots in the locality. The proposed plots following subdivision of the residential gardens are of similar width and depth to those within Shenley Close to the north east, which takes access off Arkwright Road directly adjacent to 9 Arkwright Road. The proposed dwellings would be traditional in appearance which would be acceptable, given the design of dwellings in the locality. In this sense, the proposed dwellings would reflect existing character. Whilst it is appreciated that planning permission has been previously refused (for a house to the rear of 7 Arkwright Road) this decision was taken some time ago; prior to the publication of the National Planning Policy Framework. That scheme also proposed a substantial detached dwelling – quite different from the current proposal, which seeks to mirror the form of development common to Shenley Close.

8.4 The proposed scheme would take access off Arkwright Road. This would result in an additional access immediately south east of 9 Arkwright Road, in close proximity to the existing access to Shenley Close immediately on the other side of 9 Arkwright Road. During the application process, officers raised concern about the principle of two access points close to each other and requested that the applicant further explores the prospect of providing access to the rear of 9-11 Arkwright Road – off Shenley Close. Officers have been advised that whilst the owners of Shenley Close (which is a private road) have been approached, unfortunately terms have not been able to be agreed

and satisfactorily concluded. It would therefore appear that the formation of a further access is the only option open to the applicant.

- 8.5 Whilst access onto the site via Shenley Close would have been preferable and more sustainable, officers are satisfied that with landscape mitigation and the adoption of a “home-zone” approach, the proposed new access would be acceptable from a visual impact and streetscene point of view. Hard and soft landscaping treatment would be secured through the imposition of a planning condition.

### **Residential amenity of adjoining occupiers**

- 8.6 Minimum separation distances between the proposed dwellings and the donor properties would be in excess of 30m and together with the design of the dwellings, would be sufficient to avoid harm through loss of light, outlook or privacy. 53 The Ridge lies to the south west of the application site development and minimum distances between the flank wall of Unit 1 and the rear of 53 The Ridge would be approximately 16.5m. A chalet style roof has been incorporated to Unit 1 which would pitch away from 53 The Ridge, which would further limit the effect of Unit 1 on the amenities of this neighbouring property. Given these factors and the existing landscaping which would be retained, the impact on the residential amenities of 53 The Ridge would be acceptable. A condition could ensure windows with views towards this property would be obscure glazed.
- 8.7 1 Shenley Close is situated to the north of the proposed dwellings. The spacing and relationship between this property and the nearest proposed building would be similar to that of the other buildings in Shenley Close and therefore, it is not considered that there would be sufficient loss of light or outlook experienced by the occupiers of 1 Shenley Close. There is an extant planning consent (not yet implemented) for a two storey side extension with a balcony to Shenley Close (16/04273/HSE) with a condition requiring an obscure glazed screen to be erected on the side of the balcony ensuring privacy will be retained. Given the spacing and relationship between the buildings, it is not considered that the scheme would result in harm to the residential amenities of occupiers of 1 Shenley Close. Obscure glazing could be conditioned to be provided for any side facing windows to prevent loss of privacy.
- 8.8 The separation distances to properties in Morley Road to the rear would be substantial and as such it is not considered there would be any impact on light, outlook or privacy to the occupiers. Representations have raised concern about the impact from additional noise, disturbance and light pollution as a result of the scheme. The use would be residential with the additional of three dwellings in an established residential area, it is not considered this would be sufficiently harmful. Whilst it is considered there may be additional noise and disturbance caused to the occupants of 9 and 11 Arkwright Road through the provision of the additional access, this is not considered sufficiently harmful to refuse planning permission.

### **Residential amenity of future occupiers**

- 8.9 The proposed units are in line with the standards set out in the Nationally Described Space Standards (NDSS), and the London Plan Housing SPG in terms of the minimum floorspace standards, with adequate light and outlook to internal rooms. Private gardens have been provided to the rear, complying with London Plan standards.

### **Highways and parking**



8.10 The site is with an area of PTAL 0 on maps produced by TfL, indicating very poor access to public transport links. The Croydon UDP contains maximum car parking standards for new development. This suggests 2 spaces per unit for detached houses but it should be noted that these are maximum standards. The development would comply with this standard. Concerns relating to the new access in character terms are outlined above. The access would be in close proximity to Shenley Close which is not ideal given potential conflict between these accesses. However given Arkwright Road is not classified, the number of units proposed and the number of likely vehicle movements, it is not considered there would be a significant impact to highway safety to justify refusal of planning permission. Planning conditions for cycle and refuse storage as well as visibility splays are recommended.

### **Trees and landscaping**

8.11 There are a number of trees and mature shrubbery in and around the site. There is a TPO covering trees on the site of no.7 Arkwright Road (TPO 52 of 2007) and a TPO has recently been made for the chestnut tree to the rear of no.9 (TPO 31 of 2016). A method statement was submitted with the scheme. The Tree Officer was consulted on the proposal, and no tree objections were raised to the development subject to the method statement being conditioned to any consent given.

8.12 As detailed earlier, whilst an indicative landscaping scheme has been submitted with the application, it is considered necessary to impose a condition requiring a landscaping scheme and specifically the hard and soft landscape treatment of the proposed access. This should also include details of boundary treatments of a height, quality and longevity necessary to soften the appearance of the access to ensure its integration as part of the Arkwright Road streetscene. This will be secured by condition, with a provision for 5 year maintenance and replacement planting if necessary to allow planting to become established.

### **Ecology**

8.13 An Ecological appraisal has been submitted with the application which identifies the presence of badgers on the site. This concludes that the development would be likely to reduce foraging area for badgers and would be likely to disturb and damage setts on the site. The appraisal recommends a badger mitigation strategy to be produced detailing new habitats to be created, protection during construction and maintenance of the badger foraging area between 9 Arkwright Road and 1 Shenley Close etc. which could be secured by condition. This is also recommended by the East Surrey Badger Protection Society who were consulted on the proposal. With this in mind, the development is considered acceptable in this respect.

### **Conclusions**

8.14 It is recommended that planning permission should be granted for the proposal, as it would be acceptable in terms of townscape, the visual amenity of the area, and the amenities of neighbouring occupiers.

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