

**PART 6: Planning Applications for Decision**

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**1 INTRODUCTION**

- 1.1 In this part of the agenda are reports on planning applications for determination by the committee.
- 1.2 Although the reports are set out in a particular order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a particular application, you need to be at the meeting from the beginning.
- 1.3 Any item that is on the agenda because it has been referred by a Ward Member, GLA Member, MP, Resident Association or Conservation Area Advisory Panel and none of the person(s)/organisation(s) or their representative(s) have registered their attendance at the Town Hall in accordance with the Council's Constitution (paragraph 3.8 of Part 4K – Planning and Planning Sub-Committee Procedure Rules) the item will be reverted to the Director of Planning to deal with under delegated powers and not be considered by the committee.
- 1.4 This Committee can, if it considers it necessary or appropriate to do so, refer an agenda item to the Planning Committee for consideration and determination. If the Committee decide to do this, that item will be considered at the next available Planning Committee, which would normally be the following evening.
- 1.5 The following information and advice applies to all reports in this part of the agenda.

**2 MATERIAL PLANNING CONSIDERATIONS**

- 2.1 The Committee is required to consider planning applications against the development plan and other material planning considerations.
- 2.2 The development plan is:
  - the London Plan July 2011 (with 2013 Alterations)
  - the Croydon Local Plan: Strategic Policies April 2013
  - the Saved Policies of the Croydon Replacement Unitary Development Plan April 2013
  - the South London Waste Plan March 2012
- 2.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
- 2.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which

affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.

- 2.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 2.6 Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
- 2.7 In accordance with Article 31 of the Development Management Procedure Order 2010, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.
- 2.8 Members are reminded that other areas of legislation covers many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
  - **Building Regulations** deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
  - Works within the highway are controlled by **Highways Legislation**.
  - **Environmental Health** covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
  - Works on or close to the boundary are covered by the **Party Wall Act**.
  - **Covenants and private rights** over land are enforced separately from planning and should not be taken into account.

### 3 PROVISION OF INFRASTRUCTURE

- 3.1 In accordance with Policy 8.3 of the London Plan (2011) the Mayor of London has introduced a London wide Community Infrastructure Levy (CIL) to fund Crossrail. Similarly, Croydon CIL is now payable. These would be paid on the commencement of the development. Croydon CIL provides an income stream to the Council to fund the provision of the following types of infrastructure:
  - Education facilities
  - Health care facilities
  - Projects listed in the Connected Croydon Delivery Programme
  - Public open space
  - Public sports and leisure
  - Community facilities
- 3.2 Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through A S106

agreement. Where these are necessary, it will be explained and specified in the agenda reports.

#### **4 FURTHER INFORMATION**

- 4.1 Members are informed that any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

#### **5 PUBLIC SPEAKING**

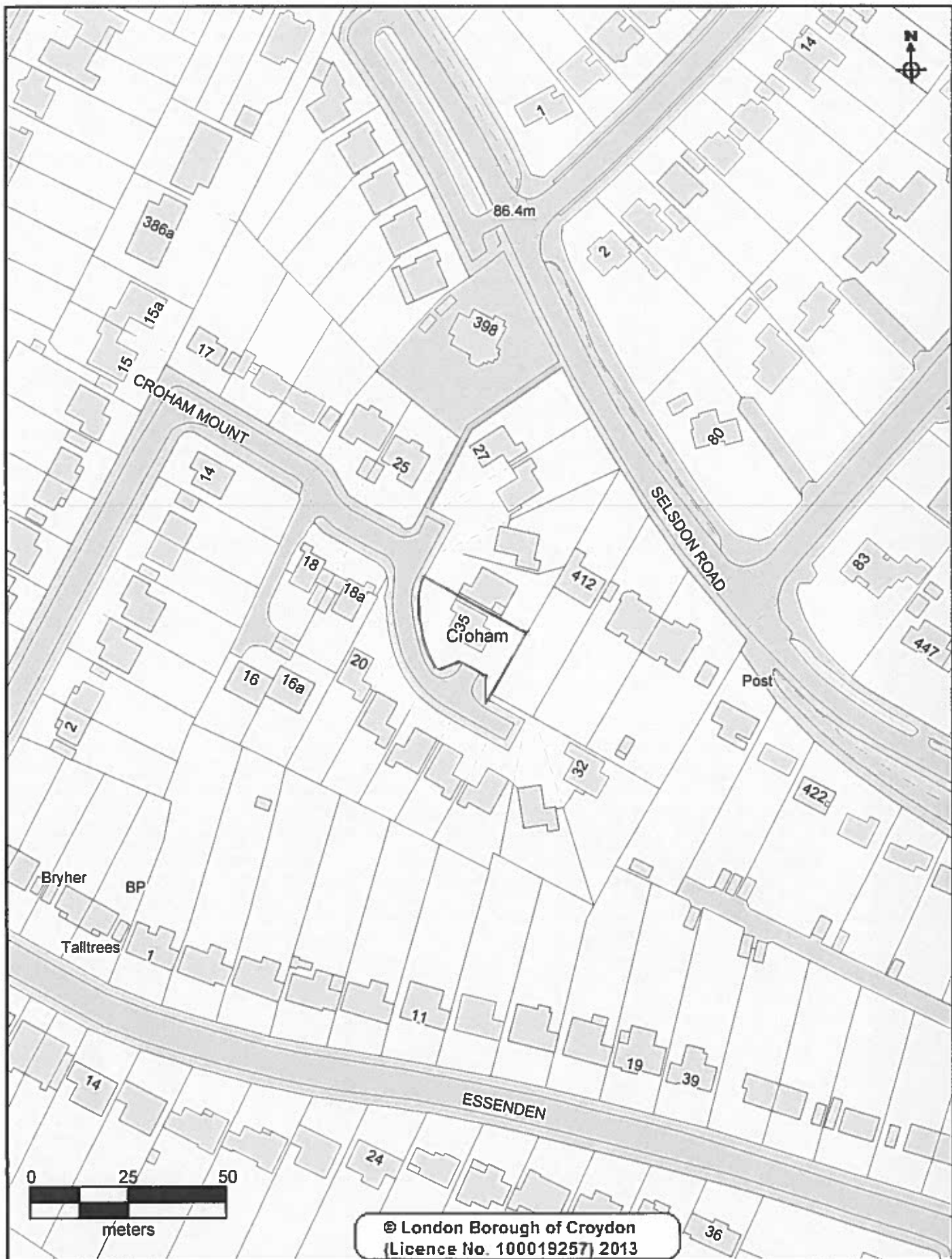
- 5.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Chair's discretion.

#### **6 BACKGROUND DOCUMENTS**

- 6.1 The background papers used in the drafting of the reports in part 6 are generally the planning application file containing the application documents and correspondence associated with the application. Contact Mr P Mills (020 8760 5419) for further information. The submitted planning application documents (but not representations and consultation responses) can be viewed online from the Public Access Planning Register on the Council website at <http://publicaccess.croydon.gov.uk/online-applications>. Click on the link or copy it into an internet browser and go to the page, then enter the planning application number in the search box to access the application.

#### **7 RECOMMENDATION**

- 7.1 The Committee to take any decisions recommended in the attached reports.



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10-Oct-2016



**PART 6: Planning Applications for Decision**

**Item 6.1**

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**1 APPLICATION DETAILS**

Ref: [15/04163/P](#) (*link to related documents in the Planning Register*)  
Location: 35 Croham Mount, South Croydon, CR2 0BR  
Ward: Croham  
Description: Retention of 2 metre high boundary fencing  
Drawing Nos: CM/2016/01, CM/2016/02 and unnumbered aerial view plan.  
Applicant: Mr Walters  
Case Officer: John Asiamah

**2 BACKGROUND**

- 2.1 This application was reported to the Planning Sub Committee on 10<sup>th</sup> February 2016 and 16<sup>th</sup> June 2016. The Committee resolved to defer the application on both occasions in order for Members of the Planning Sub-Committee to inspect the site and to be clear as to the extent of the boundary works the subject of the planning application (which had changed during the planning application process). The original report is attached to this agenda.
- 2.2 Since the previous Sub Committee presentation, amended plans have been submitted that reasonably indicate the proposed retention of the existing boundary details. Notwithstanding the above however, it is fair to say that officers have had some difficulties encouraging the applicant to resource the production of properly scaled plans and elevations – which is not unusual in cases arising out of investigations into breaches of planning control. However, officers are satisfied that there is sufficient detail as part of the submitted drawings to allow them to reach a decision on the various planning merits, bearing in mind that the application seeks the retention of the existing boundary details.

**3 RECOMMENDATION**

- 3.1 That the Committee resolve to GRANT planning permission subject to the conditions and reasons detailed in Section 3 of the original Sub Committee report.

**PART 6: Planning Applications for Decision**

**Item 6.1**

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**1 APPLICATION DETAILS**

Ref: 15/04163/P  
Location: 35 Croham Mount, South Croydon, CR2 0BR  
Ward: Croham  
Description: Retention of 2 metre high boundary fencing  
Drawing Nos: Unnumbered A4 plans comprising existing front elevation, existing side elevation, panel size plan, proposed front elevation and proposed side elevation.  
Applicant: Mr Walters  
Case Officer: John Asiamah

- 1.1 This application is being reported to committee because the ward councillor (Cllr Maria Gatland) made representations in accordance with the Committee Consideration Criteria and requested committee consideration and objections above the threshold in the Committee Consideration Criteria have been received.

**2 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- The proposal would not have an unduly harmful effect on the appearance of the street scene.
- The siting and height of the fence would have no undue impact on the residential amenities of the adjoining occupiers.
- The proposal would have no impact on pedestrian and highway safety.
- All objections have been taken into account but are not sufficient to outweigh the reasons for granting planning permission

**3 RECOMMENDATION**

- 3.1 That the Committee resolve to GRANT planning permission.
- 3.2 That the Director of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

**Conditions**

- 1) The development to be implemented in accordance with the approved plans
- 2) Soft landscape details to western frontage to be submitted within 2 months and provided on site
- 3) Any other planning condition(s) considered necessary by the Director of Planning.

**Informatives**

- 1) Site Notice removal
- 2) Any other informative(s) considered necessary by the Director of Planning

## **4 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 Full planning permission is sought for the retention of the 2 metre high portions of the boundary fence fronting onto Croham Mount.
- 4.2 Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order permits the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure without planning permission provided the height of any gate, fence, wall or means of enclosure erected or constructed is not adjacent to a highway used by vehicular traffic and would not exceed 2m in height. Where it is adjacent to a highway used by vehicular traffic, the maximum permitted height is 1m.
- 4.3 The fence to the south of the site is adjacent to a highway used by vehicular traffic and exceeds 1m in height. Therefore it requires planning permission. The portions of fence to the east and west that do not front the highway are within 2m in height, so do not require planning permission.
- 4.4 The planning application as submitted included the erection of a balcony over the existing garage; this has been negotiated out of the scheme so no longer forms part of the proposal.

### **Site and Surroundings**

- 4.5 The application site is located on the eastern side of Croham Mount. It is occupied by a two storey detached house set above the road. Land levels fall to the south.
- 4.6 The surrounding area is residential in character and is made up of detached and semi-detached properties. The site is within Flood Risk (Surface Water) area as identified in the Croydon Local Plan Proposal Map.

### **Planning History**

- 4.7 The following planning decisions are relevant to the application.
  - 15/00569/C: Planning enforcement complaint regarding erection of boundary fence over 1m.

## **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 on and around the site by way of site notices (2 in Croham Mount). The number of representations received from neighbours and local groups in response to publicity of the application were as follows:

No of individual responses: 20                      Objecting: 16    Supporting: 4

6.2 The following Councillor has made representations:

- Maria Gatland [objecting]

6.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

### **Objections**

- The fence is not in keeping with the character of the area
- Visual intrusion
- Poor construction
- The development will set a precedent
- Breach of planning control
- Overbearing
- The development will compromise highway safety

### **Supporting**

- The fence is necessary to provide safety and privacy
- There would be serious safeguarding issues without the fence

6.4 The following issues were raised in representations received, but are not material to the determination of the application:

- Breach of restrictive covenant [OFFICER COMMENT: not a material consideration]
- Unsafe structure [OFFICER COMMENT: not a material consideration]
- The fence is unnecessary [OFFICER COMMENT: not a material consideration]

## **7 MATERIAL PLANNING CONSIDERATIONS**

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

1. The impact on the appearance of the street scene
2. The impact on the residential amenities of the adjoining occupiers
3. The impact on pedestrian and highway safety

### **The Impact on the Character and Appearance of the Area and the Appearance of the Street Scene**

7.2 Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan state that development should make a positive contribution to the local character, public realm and streetscape. It should incorporate the highest quality materials and design appropriate to its context. Policies UD2 and UD3 of the Croydon Plan (2006) Saved Policies 2013 require the siting, layout and form of new development to respect the character and appearance of existing areas. Policy SP1.1 of the Croydon Local Plan: Strategic Policies (2013) indicates that the Council will require all new development to contribute to enhancing a sense of place and improving the character of the area. Policies SP4.1 and SP4.2



of the Croydon Local Plan: Strategic Policies (2013) also require development to be of a high quality which respects and enhances local character.

- 7.3 It is acknowledged that the properties to the southern side of Croham Mount have open frontages with limited boundary fencing and therefore this form of boundary treatment is generally uncharacteristic of the area and is relatively prominent from higher vantage points. However, this site is unique in this portion of Croham Mount given its position on the bend and the associated land level changes. Consideration must be given to the privacy of the users of the garden and their requirements to adequately enclose the site.
- 7.4 Portions of the fence are already behind low level hedging which has the potential to further screen it when the landscaping is further established. Furthermore, a condition is recommended to ensure suitable planting is provided to the western-most portion of fence along the frontage. It is envisaged this would be in the form of climbing plants that would help to soften the appearance of the fence. Taking all the above aspects into consideration, it is not considered there are sufficient grounds to justify the refusal of planning permission.
- 7.5 It is concluded that the proposal would have minimal impact on the character and appearance of the area. It thereby accords with Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan Policies UD2 and UD3 of the Croydon Plan (2006) Saved Policies 2013 and Policies SP1.1, SP4.1 and SP4.2 of the Croydon Local Plan: Strategic Policies (2013).

#### **The Impact on the Residential Amenities of the Adjoining Occupiers**

- 7.6 Policy 7.1 of the London Plan indicates that in their neighbourhoods, people should have a good quality environment. Policy UD8 of the Croydon Plan (2006) Saved Policies 2013 requires the Council to have regard to the privacy and amenity of adjoining occupiers. Policies SP4.1 and SP4.2 of the Croydon Local Plan: Strategic Policies (2013) seek to respect and enhance character, to create sustainable communities and enhance social cohesion and well-being.
- 7.7 Only the boundary fence to the south of the site is under consideration as the others are permitted development. It is sited well away from the adjoining properties and given the siting and separation distance, the fence does not overshadow or detract from the privacy of the adjoining occupiers. Consequently, it does not detract from the residential amenities of the adjoining occupiers and complies with the objectives of Policy 7.6 of the London Plan 2011 (Consolidated with Alterations since 2011), Policies SP4.1 and SP4.2 of the Croydon Local Plan: Strategic Policies (2013), Policy UD8 of the Croydon Plan (2006) Saved Policies 2013 and the Supplementary Planning Document No. 2: Residential Extensions and Alterations.

#### **The Impact on Pedestrian and Highway Safety**

- 7.8 The fence is sited away from the edge of the pavement and is within the site. Furthermore, no new access is proposed. It is also important to note that the site is near to the end of a cul-de-sac and therefore traffic speeds would be low. Consequently, it is considered that the proposal will not significantly impede the safety and efficiency of the adjoining highway network. It would thereby accord with the intentions of saved Policy UD13 of the Croydon Plan.

## **Conclusions**

- 7.9 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.