

PART 6: Planning Applications for Decision

1 INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Planning 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 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. Whilst third party representations are regarded as material planning considerations (assuming that they raise town planning matters) the primary consideration, irrespective of the number of third party representations received, remains the extent to which planning proposals comply with the Development Plan.
- 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 ROLE OF THE COMMITTEE MEMBERS

- 3.1 The role of Members of the Planning Committee is to make planning decisions on applications presented to the Committee openly, impartially, with sound judgement and for sound planning reasons. In doing so Members should have familiarised themselves with Part 5D of the Council's Constitution 'The Planning Code of Good Practice'. Members should also seek to attend relevant training and briefing sessions organised from time to time for Members.
- 3.2 Members are to exercise their responsibilities with regard to the interests of the London Borough of Croydon as a whole rather than with regard to their particular Ward's interest and issues.

4. THE ROLE OF THE CHAIR

- 4.1 The Chair of the Planning Committee is responsible for the good and orderly running of Planning Committee meetings. The Chair aims to ensure, with the assistance of officers where necessary, that the meeting is run in accordance with the provisions set out in the Council's Constitution and particularly Part 4K of the Constitution 'Planning and Planning Sub-Committee Procedure Rules'. The Chair's most visible responsibility is to ensure that the business of the meeting is conducted effectively and efficiently.
- 4.2 The Chair has discretion in the interests of natural justice to vary the public speaking rules where there is good reason to do so and such reasons will be minuted.

- 4.3 The Chair is also charged with ensuring that the general rules of debate are adhered to (e.g. Members should not speak over each other) and that the debate remains centred on relevant planning considerations.
- 4.4 Notwithstanding the fact that the Chair of the Committee has the above responsibilities, it should be noted that the Chair is a full member of the Committee who is able to take part in debates and vote on items in the same way as any other Member of the Committee. This includes the ability to propose or second motions. It also means that the Chair is entitled to express their views in relation to the applications before the Committee in the same way that other Members of the Committee are so entitled and subject to the same rules set out in the Council's constitution and particularly Planning Code of Good Practice.

5. PROVISION OF INFRASTRUCTURE

- 5.1 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:
- i. Education facilities
 - ii. Health care facilities
 - iii. Projects listed in the Connected Croydon Delivery Programme
 - iv. Public open space
 - v. Public sports and leisure
 - vi. Community facilities
- 5.2 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.

6. FURTHER INFORMATION

- 6.1 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.

7. PUBLIC SPEAKING

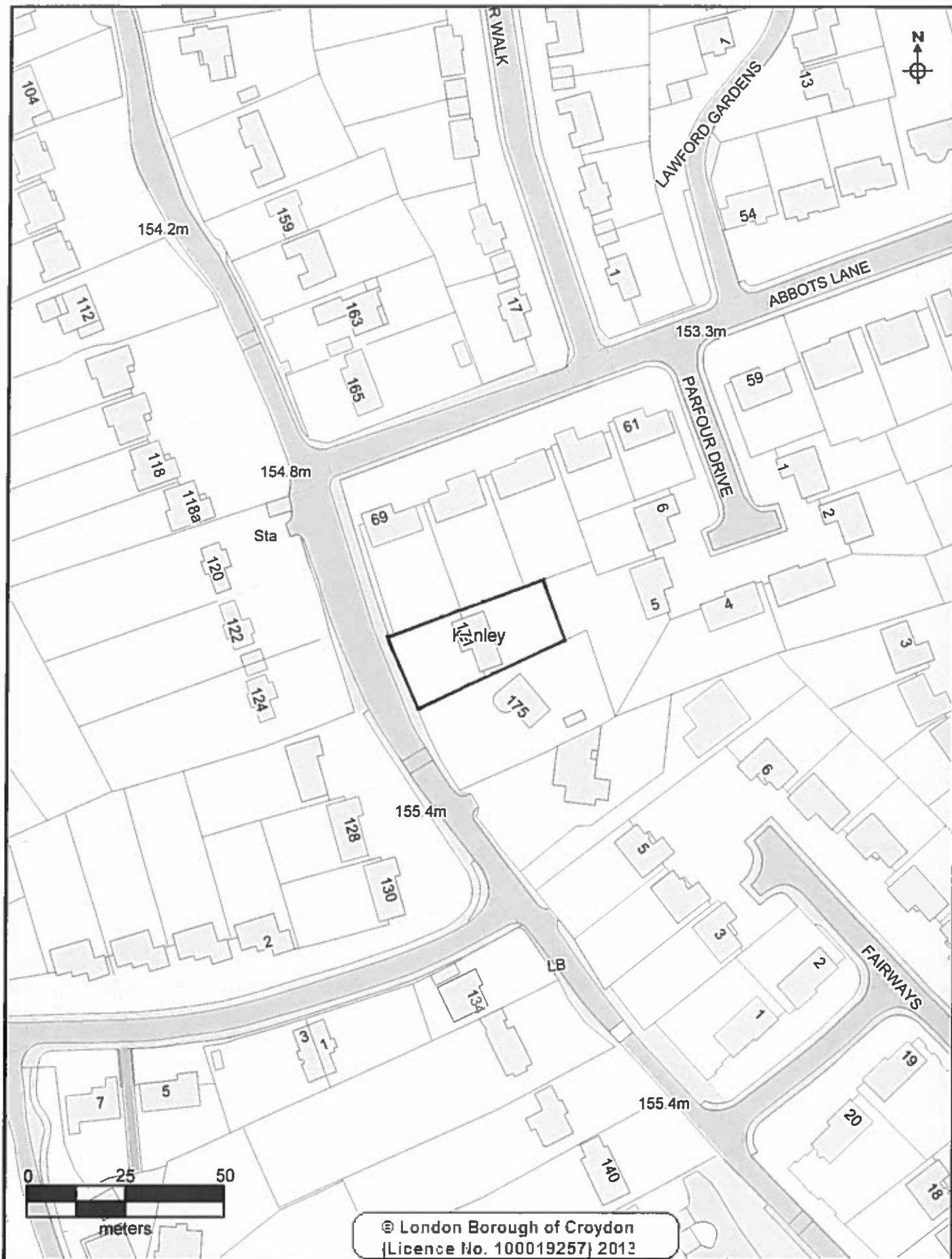
- 7.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Chair's discretion.

8. BACKGROUND DOCUMENTS

- 8.1 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.

9. RECOMMENDATION

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



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PART 6: Planning Applications for Decision**Item 6.1**

1 SUMMARY OF APPLICATION DETAILS

Ref: 17/01317/HSE
Location: 171 Hayes Lane, Kenley, CR8 5HN
Ward: Kenley
Description: Erection of single storey side/rear and first floor side extension
Drawing Nos: 4100/LO/02_A, Amended FRA April 2017, 4100/LO/01
Applicant: Mrs Sabia Noor
Agent: Mr Mark Tadman
Case Officer: Louise Tucker

- 1.1 This application is being reported to Committee because a Ward Councillor (Cllr Stephen O'Connell) made representations in accordance with the Committee Consideration Criteria and requested 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) Development to be carried out in accordance with the approved drawings and reports except where specified by conditions
- 2) Materials to match the existing building
- 3) No windows at/above first floor level in northern or southern elevations
- 4) Development shall be carried out entirely in accordance with the recommendations of the submitted Flood Risk Assessment
- 5) Commencement of development within three years of consent being granted
- 6) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport

Informatives

- 1) Site notice removal
- 2) Code of Practice for Construction Sites
- 3) Any other informative(s) considered necessary by the Director of Planning and Strategic Transport

3 PROPOSAL AND LOCATION DETAILS

Proposal

3.1 The proposal comprises the following:

- Demolition of existing rear conservatory
- Erection of a first floor side extension
- Erection of single storey side/rear extension

3.2 Amended plans have been received during the course of the application. These removed the proposed roof extensions from the proposal.

Site and Surroundings

3.3 The application site is a detached two storey property on the eastern side of Hayes Lane in Kenley. The property has an existing single storey side extension on both sides of the dwelling, a rear conservatory (which would be demolished as part of the proposal) and a large front parking area.

3.4 The surrounding area is largely residential in character, comprising mostly of detached properties of varied character (but many in the same style as the application property) in generous plots. The site falls within a Surface Water Critical Drainage Area and a 1 in 1000 year Surface Water Flood Risk Area, according to the Croydon Local Plan: Strategic Policies (2013) map. Hayes Lane is a Local Distributor Road.

Planning History

3.5 15/02531/P - Erection of single storey rear and two storey side extensions; raise in ridge height and erection of dormer extensions in front and rear roof slopes – Permission refused on 04.07.2016 for the following reason:

The development would detract from the appearance of the building and be detrimental to the amenities of the street scene by reason of dominance, siting and design and would thereby conflict with Policies 7.4 and 7.6 of the London Plan (consolidated with amendments since 2011), SP1.1, SP4.1 and SP4.2 of the Croydon Local Plan: Strategic Policies (2013), Policies UD2 and UD3 of the Croydon Replacement Unitary Development Plan (The Croydon Plan 2006) Saved Policies 2013 and Supplementary Planning Document No 2 on Residential Extensions and Alterations.

The concerns related to the roof extensions, and lack of setback at first floor.

10/00986/P – Erection of first floor side extension – Permission granted on 31.05.2010 – not implemented

4 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposed extensions would be in accordance with residential design guidance set out in Supplementary Planning Document 2 (SPD2) and would be of an acceptable scale, massing and design. There would not be a harmful impact on the character of the dwelling, or the streetscene.

- The siting and layout of the development including the degree of separation between the existing buildings would be sufficient to ensure no undue impact on residential amenities of the adjoining occupiers
- There would be no changes to the existing parking arrangements, and as a result it is not considered there would be a harmful impact to the local highway network or local on street parking provision

5 CONSULTATION RESPONSE

- 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: 20 Objecting: 20 Supporting: 0

- 6.2 The following Councillor made representations:

- Cllr Stephen O'Connell [objected]

- 6.3 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:

- Loss of light, outlook and privacy of adjoining occupiers
- Out of character with the streetscene
- Site too small for extensions of this size, overdevelopment
- Bulk, scale and massing, overbearing impact and dominance
- Overbearing development
- Inadequate parking provision
- Detrimental to highway safety

- 6.4 The following issues were raised in representations which are not material to the determination of the application:

- Loss of view [OFFICER COMMENT: This is not a material planning consideration]
- Reasons given by the applicant to justify the development are not valid [OFFICER COMMENT: This is not a material planning consideration]
- The submitted Flood Risk Assessment refers to another property [OFFICER COMMENT: An amended Flood Risk Assessment has been submitted]
- Too many planning applications for one property [OFFICER COMMENT: There is no limit to the number of planning applications, this is not a material planning consideration]
- A car owned by the property has been abandoned on the road [OFFICER COMMENT: This is not a material planning consideration]

- There could be subsequent applications to change the use of the property [OFFICER COMMENT: This is not part of the proposal and is therefore irrelevant to the determination of the application]

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.

a. 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

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

Consolidated London Plan 2015 (LP):

- 6.13 Parking
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 on Architecture

Croydon Local Plan: Strategic Policies 2013 (CLP1):

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

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

- UD2 Layout and Siting of New Development
- UD3 Scale and Design of New Buildings
- UD8 Protecting residential amenity
- T2 Traffic Generation from Development

- T8 Car Parking Standards in New Development

7.2 The Partial Review of Croydon Local Plan: Strategic Policies (CLP1.1) and the Croydon Local Plan: Detailed Policies and Proposals (CLP2) have been approved by Full Council on 5 December 2016 and was submitted to the Planning Inspectorate on behalf of the Secretary of State on 3 February 2017 and the examination took place in May/June this year. Policies which have not been objected to can be given some weight in the decision making process. However at this stage in the process no policies are considered to outweigh the adopted policies listed here to the extent that they would lead to a different recommendation.

8 MATERIAL PLANNING CONSIDERATIONS

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

1. The design and appearance of the development and the impact on the character of the area
2. The impact of the development on the residential amenities of adjoining occupiers

The design and appearance of the development and the impact on the character of the area

8.2 Following amendments, the proposed development would comprise a first floor side extension and a single storey side/rear extension. The first floor extension would be in accordance with the Council's design guidance set out in SPD2, with a 1.5m setback from the main front wall provided at first floor level, a reduced ridge height and a width not more than half the width of the original dwellinghouse. This would be subservient to the main dwellinghouse and is considered to be acceptable.

8.3 The single storey side/rear extension would be 4m in depth. This would have no visibility in the streetscene and would replace an existing conservatory of the same depth. Given the size and detached nature of the property, it is not considered the extension would be overly dominant on the rear of the building and there would be sufficient garden space remaining for the occupiers. This is considered to be acceptable in terms of the impact on the character of the area. This is in accordance with the above mentioned policies.

Residential amenity of adjoining occupiers

8.4 No.175 lies to the south of the site. This property sits behind the site in the streetscene at an angle. The first floor side extension would not readily be visible from this property. The single storey rear extension would be of the same depth as the existing conservatory to be removed. Given the site circumstances and the orientation, it is not considered the development would result in harm to the amenities of the occupiers of no.175, through loss of light, outlook or privacy.

8.5 Properties in Abbots Lane lie to the north of the development. The first floor extension would be almost 25m from the rear of these properties and 2m off the rear boundaries with these properties. This is sufficient to ensure there would be no harm to the residential amenities of properties in Abbots Lane as a result of the development.

- 8.6 Properties in Parfour Drive lie to the east of the site. The development would be around 35m from these properties, which are well screened given the high mature trees along the boundary. It is not considered there would be any impact on the residential amenities of the occupiers of these properties.
- 8.7 Overall, the development is considered to be in accordance with the relevant policies and would not result in harm to the residential amenities of surrounding occupiers.

Other planning issues

- 8.8 Representations have raised concerns about inadequate parking provision at the site, considering the potential for additional occupiers given the increased size of the property. There would be no change to the parking provision as a result of the development. The site would remain as a single family dwellinghouse, and there is no change of use proposed as part of the application. The Croydon UDP advises that the maximum number of car parking spaces required for a detached house is two spaces. The application site benefits from a large parking area, exceeding this policy requirement for parking spaces. Therefore it is not considered an acceptable level of parking is required and there would be no harmful impact on local parking provision or highway safety as a result.

Conclusions

- 8.9 It is recommended that planning permission should be granted for the proposal, as it would be acceptable in all respects, subject to conditions.
- 8.10 All other relevant policies and considerations, including equalities, have been taken into account.