

Planning Sub-Committee Agenda



To: Councillor Paul Scott (Chair)
Councillor Muhammad Ali (Vice-Chair)
Councillors Chris Clark, Clive Fraser, Toni Letts, Felicity Flynn, Jason Perry,
Scott Roche, Gareth Streeter and Oni Oviri

A meeting of the **Planning Sub-Committee** which you are hereby summoned to attend, will be held on **Thursday, 5 July 2018** at the rise of Planning Committee at **9.00pm** in **Council Chamber, Town Hall, Katharine Street, Croydon, CR0 1NX**

JACQUELINE HARRIS-BAKER
Director of Law and Monitoring Officer
London Borough of Croydon
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www.croydon.gov.uk/meetings
Wednesday, 27 June 2018

Members of the public are welcome to attend this meeting.
If you require any assistance, please contact the person detailed above, on the right-hand side.

To register a request to speak, please either e-mail Democratic.Services@croydon.gov.uk or phone the number above by 4pm on the Tuesday before the meeting.

N.B This meeting will be paperless. The agenda can be accessed online at www.croydon.gov.uk/meetings

AGENDA – PART A

1. Apologies for absence

To receive any apologies for absence from any members of the Committee

2. Minutes of the previous meeting

To approve the minutes of the meeting held on 28 June 2018 as an accurate record.

[To Follow]

3. Disclosure of Interest

In accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, Members and co-opted Members of the Council are reminded that it is a requirement to register disclosable pecuniary interests (DPIs) and gifts and hospitality to the value of which exceeds £50 or multiple gifts and/or instances of hospitality with a cumulative value of £50 or more when received from a single donor within a rolling twelve month period. In addition, Members and co-opted Members are reminded that unless their disclosable pecuniary interest is registered on the register of interests or is the subject of a pending notification to the Monitoring Officer, they are required to disclose those disclosable pecuniary interests at the meeting. This should be done by completing the Disclosure of Interest form and handing it to the Democratic Services representative at the start of the meeting. The Chair will then invite Members to make their disclosure orally at the commencement of Agenda item 3. Completed disclosure forms will be provided to the Monitoring Officer for inclusion on the Register of Members' Interests.

4. Urgent Business (if any)

To receive notice of any business not on the agenda which in the opinion of the Chair, by reason of special circumstances, be considered as a matter of urgency.

5. Planning applications for decision (Pages 5 - 8)

To consider the accompanying reports by the Director of Planning & Strategic Transport:

5.1 18/00981/FUL 69 Shirley Way, Croydon, CR0 8PL (Pages 9 - 18)

Erection of single storey detached dwelling to rear fronting Temple Avenue.

Ward: Shirley South

Recommendation: Grant permission

6. Exclusion of the Press & Public

The following motion is to be moved and seconded where it is proposed to exclude the press and public from the remainder of a meeting:

"That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended."

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PLANNING SUB-COMMITTEE AGENDA

PART 5: 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 or Resident Association 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 (consolidated with Alterations since 2011)
 - the Croydon Local Plan (February 2018)
 - 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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1 SUMMARY OF APPLICATION DETAILS

Ref: 18/00981/FUL
 Location: 69 Shirley Way, Croydon, CR0 8PL
 Ward: Shirley South
 Description: Erection of single storey detached dwelling to rear fronting Temple Avenue
 Drawing Nos: 18027-01, 18027-02, 18027-03, 18027-4, 18027-10
 Applicant: Mrs L Summers-Spriggs
 Agent: Mr P Hasling
 Case Officer: Louise Tucker

1.1 This application is being reported to Committee because the Ward Councillor (Cllr Sue Bennett) has made a representation 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 be submitted with samples
- 3) Car parking to be provided as specified in the application
- 4) Removal of permitted development rights for enlargements and outbuildings
- 5) No additional windows in the flank elevations
- 6) Landscaping scheme to be submitted including hard/soft landscaping, retaining walls, boundary treatments, SUDs details
- 7) Permeable forecourt material
- 8) 19% reduction in carbon emissions
- 9) Water usage restricted to 110 litres per person per day
- 10) Commencement of development within three years of consent being granted
- 11) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport

Informatives

- 1) Site notice removal
- 2) CIL liability
- 3) Code of Practice for Construction Sites
- 4) 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:

- Erection of a single storey detached 2 bedroom dwelling to the rear of 69 Shirley Way fronting Temple Avenue
- Provision of one parking space utilising the existing access with associated refuse storage and landscaping

3.2 Amendments were received during the course of the application, comprising the following:

- Changes to footprint of the building with increase in private amenity space

3.3 These changes did not alter the description of development nor increase its impact, thus it was not necessary to advertise these amendments.

Site and Surroundings

3.4 The application site currently forms part of the rear garden of 69 Shirley Way, a two storey semi-detached property on a corner plot at the junction with Temple Avenue. There is an existing vehicular access to the rear off Temple Avenue, which is currently not utilised. Land levels slope gently upwards from north to south.

3.5 The surrounding area is residential in character. Shirley Way is generally made up of semi-detached properties of varying style. Temple Avenue predominantly consists of pairs of semi-detached properties of a similar style with distinctive cat-slide roofs. The site is not subject to any designated constraints.

Planning History

3.6 17/02319/OUT – Outline application for the erection of a detached house at rear (all matters reserved) – Application withdrawn (due to lack of information to assess the proposal)

4 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The principle of residential development on the site is acceptable given the established residential character of the area
- The scale and design of the development is appropriate
- There would be no undue harm to the residential amenities of adjoining occupiers
- The living standards of future occupiers are acceptable and compliant with the Nationally Described Space Standards and the London Plan
- The level of parking and impact upon highway safety and efficiency is acceptable
- Sustainability aspects of the development can be controlled by condition

5 CONSULTATION RESPONSE

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

6 LOCAL REPRESENTATION

- 6.1 Seven letters were sent to adjoining occupiers to advertise the application. The number of representations received from neighbours and local groups including Spring Park Resident's Association, in response to notification and publicity of the application were as follows:

No of individual responses: 15 Objecting: 12 Supporting: 2 Comment: 0

- 6.2 The ward councillor Sue Bennett objected to the application on the grounds there will be a loss of light experienced by the adjoining property and the scheme is out of character with the local area.

- 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:

- Out of character with the area
- Overdevelopment
- Poor design
- Detrimental to highway safety
- Inadequate parking provision
- Inappropriate back-land development
- Environmental sustainability concerns
- Impact on wildlife
- Impact on trees
- Flood risk
- Impact on future occupiers - inadequate private amenity space, poor light/outlook
- Impact on residential amenities of adjoining occupiers – loss of privacy, visual intrusion, loss of garden space, loss of light, noise and disturbance

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

- Development could cause subsidence [OFFICER COMMENT: This is not a material planning consideration and would be a separate civil matter]
- Inaccuracies in the submitted Design & Access Statement [OFFICER COMMENT: These are noted; this recommendation is made on the basis of the submitted plans which are the approved drawings and where measurements would be taken from. The Design & Access Statement is not an approved drawing and is a supporting document]
- Impact on sewer capacity [OFFICER COMMENT: This is not a material planning consideration]

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 2018 (CLP) and the South London Waste Plan 2012.

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, including requiring good design that takes the opportunities available for improving the character and quality of an area and the way it functions.

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

Consolidated London Plan 2011 (LP):

- 3.5 on Quality and design of housing developments
- 6.13 on Parking
- 7.4 on Local Character
- 7.6 on Architecture

Croydon Local Plan 2018 (CLP):

- SP2 on Homes
- SP6.3 on Sustainable Design and Construction
- DM1 on Housing choice for sustainable communities
- DM10 on Design and character
- DM13 Refuse and recycling
- DM23 on Development and construction
- DM25 on Sustainable Drainage Systems and Reducing Flood Risk
- DM28 on Trees
- DM29 on Promoting sustainable travel and reducing congestion
- DM30 on Car and cycle parking in new development

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. Residential amenity of adjoining occupiers
4. Residential amenity of future occupiers
5. Highways and transport
6. Environment and sustainability
7. Trees and landscaping

8. Flooding

Principle of development

- 8.2 The principle of development is acceptable. The development would provide an additional home in an established residential area, retaining the existing dwelling to the front. The other material considerations are discussed below.

Townscape and visual impact

- 8.3 The plot would be smaller than that predominantly seen in the area, however given that the building would be smaller in scale, height and footprint than the surrounding buildings thus reducing the prominence in the streetscene. This is in accordance with aims of CLP which seeks subservient units in grounds of existing buildings. Furthermore the proposed subdivision of the plot would allow half of the existing private garden area to be retained for the host property, in compliance with policy DM10 of the CLP (2018).
- 8.4 The proposed dwelling would be single storey with a contemporary design. Whilst most properties in the area are generally traditional in appearance, the form and design of properties is mixed and in this wider context a contemporary design is supported. The design also allows for a more subservient appearance in relation to the existing properties in the road. A condition requiring materials and finishes to be submitted for approval is recommended to ensure these are of high quality with a successful finish.
- 8.5 Having considered all of the above, against the backdrop of housing need, officers are satisfied that the proposed development would comply with the objectives of the above policies in terms of respecting local character.

Residential amenity of adjoining occupiers

- 8.6 In visual terms the unit would project slightly beyond the existing building line with the adjoining property at 46 Temple Avenue, although given this adjoins a garage with no windows there would be no negative impact experienced. 46 Temple Avenue has existing flank windows facing the proposal, however these are non-habitable rooms (bathroom; utility room; garage; and toilet). There is a kitchen which has a Perspex roof and aspect to the rear through a door and window. Taking these factors into account, including the single storey nature of the proposal there would be any undue impact to the occupiers of this dwelling through loss of light or outlook.
- 8.7 The proposed dwelling would be around 11.5m from the rear of the host dwelling, no.69 Shirley Way. Given the single storey nature of the building with a height of 2.35m above ground level closest to the shared boundary, this would be sufficient to limit any potential for loss of light or outlook.
- 8.8 The building would abut the boundary with no.71 Shirley Way, however at its closest point, would be around 16m from the rear ground floor windows. This would be sufficient to ensure there would not be any undue loss of light or outlook caused to the occupiers of this property.
- 8.9 There are no side facing windows facing towards no.46 Temple Avenue, nor any rear facing windows towards no.71 Shirley Way. A condition is recommended to ensure this

remains the case for acceptable levels of privacy (also covering the other elevations). East facing windows are proposed facing towards the host dwelling, however these would be at ground floor level and set 4.45m off the boundary (around 16m from the frontage properties). With appropriate conditions, the impact on privacy is considered to be acceptable.

- 8.10 The building would be used solely for residential purposes, and in the context of the area it is not considered this would result in any additional undue harm through noise and disturbance to surrounding occupiers. The development is acceptable in terms of its impact on residential amenities of adjoining occupiers.

Residential amenity of future occupiers

- 8.11 The proposed two bedroom dwelling would meet the minimum floorspace requirements of the Nationally Described Space Standards for units of this type. The internal rooms are considered to be of acceptable sizes, with adequate light and outlook provided. A private garden for the dwelling has been provided to the rear, with additional amenity space to the front. Further details of the arrangement of these spaces would be dealt with as part of the landscaping condition, to ensure these spaces are suitably private and usable. The development is considered to be acceptable in terms of living conditions for future occupiers.

Highways and parking

- 8.12 The location for the proposed development has a PTAL level of 1b, which indicates a poor level of accessibility to public transport links. The new dwelling would benefit from one off street parking space on the frontage, which would be in accordance with the maximum parking standards set out in the London Plan for two bedroom homes. There are limited restrictions on parking in the surrounding roads. A condition is recommended to agree details for cycle storage, to meet policy requirements for cycle parking in the London Plan.
- 8.13 The crossover off Temple Avenue to be utilised for access is existing. This layout would mean that a vehicle would have to reverse out onto the highway. This reflects the existing situation and appears to be commonplace along the road. Adequate pedestrian visibility splays can be achieved either side of the access. A condition could ensure that these are retained in this form for the lifetime of the development. It is not considered the development would significantly alter the safety and efficiency of the surrounding highways network.

Environment and sustainability

- 8.14 Conditions can be attached to ensure that a 19% reduction in CO2 emissions over 2013 Building Regulations is achieved and mains water consumption would meet a target of 110 litres or less per head per day.

Trees and landscaping

- 8.15 There are a couple of small trees within the existing rear garden which would be removed to facilitate development, along with some shrubbery along the boundaries. These specimens are not preserved and there is no objection to their removal. A comprehensive hard/soft landscaping scheme including replacement planting would be secured by condition, which would reinstate planting along the boundaries where possible and help integrate the development into the streetscene.

8.16 With regard to wildlife, it is recommended an informative be included on the decision notice to advise the applicant to refer to the standing advice by Natural England, in the event protected species are found on site.

Flooding

8.17 The site lies adjacent to a surface water flood risk area. It is considered there are opportunities to incorporate SUDs as part of a landscaping scheme for the site, which can be dealt with by condition. This will prevent any potential water runoff onto the public highway.

Conclusions

8.18 It is recommended that planning permission should be granted for the proposal, as it would be acceptable in all respects, subject to conditions.

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

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