

Planning Sub-Committee Agenda



To: Councillor Michael Neal (Chair)
Councillor Clive Fraser (Vice-Chair)
Councillors Ian Parker, Lara Fish, Sean Fitzsimons and Humayun Kabir

A meeting of the **Planning Sub-Committee** which you are hereby summoned to attend, will be held on **Thursday, 28 September 2023** at the rise of the Planning Committee but not earlier than **7.00 pm** in **Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX**

KATHERINE KERSWELL
Chief Executive and Head of Paid Service
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www.croydon.gov.uk/meetings
Wednesday, 20 September 2023

Members of the public are welcome to attend this meeting

If you would like to record the meeting, we ask that you read the guidance on the recording of public meetings [here](#) before attending.

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.

The agenda papers for all Council meetings are available on the Council website www.croydon.gov.uk/meetings

If you require any assistance, please contact Tariq Aniemeka-Bailey 020 8726 6000 x64109 as detailed above

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 (Pages 5 - 8)

To approve the minutes of the meeting held on Thursday, 3 August 2023 as an accurate record.

3. Disclosure of Interest

Members are invited to declare any disclosable pecuniary interests (DPIs) and other registrable and non-registrable interests they may have in relation to any item(s) of business on today's agenda.

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 9 - 12)

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

5.1 22/03921/FUL - Kickers House, 172A Selsdon Road, South Croydon, CR2 6PJ (Pages 13 - 34)

Demolition of 3no. garages at the rear of Nos. 172A - 174A (facing onto Helder Street) and erection of one two-storey 4-bed house; including associated works.

Ward: South Croydon

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."

Planning Sub-Committee

Meeting held on Thursday, 3 August 2023 at 8.25pm in Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX

MINUTES

Present: Councillor Michael Neal (Chair);
Councillor Clive Fraser (Vice-Chair);
Councillors Ian Parker, Leila Ben-Hassel, Lara Fish and Sean Fitzsimons

Also Present: Councillor Robert Ward

Apologies: Councillor Humayun Kabir

PART A

6/23 **Minutes of the previous meeting**

RESOLVED that the minutes of the meeting held on Thursday, 23 February 2023 were agreed as an accurate record.

7/23 **Disclosure of Interest**

There were no disclosures of a pecuniary interest not already registered.

8/23 **Urgent Business (if any)**

There was none.

9/23 **Planning applications for decision**

10/23 **23/01031/FUL - 1 - 11 Neville Road, Croydon, CR0 2DS**

Change of use from existing B1(a) use to 11-bedroom (20 Occupant) HMO Sui Generis with the provision of parking spaces, cycle stand, communal garden, and bin storage (Amended description).

Ward: Selhurst

The officer presented details of the planning application and in response to members' questions explained that:

- The permitted planning use of the site was for an office, however, as evidenced by the existing plans that had been submitted the site was currently being used as a as a HMO in a non-authorized manner.

The residents living in Neville Road and surrounding roads submitted a written statement in objection to the application which was read out by the clerk. After the speakers had finished, the committee began the deliberation, during which they raised the following points:

- It was queried whether there had been a previous application that had a resolution to grant, but was not issued as the s106 agreement was not signed. The officer confirmed that this was the case and that the previous application had been finally disposed of.
- It was asked if the application came to committee because of the number of objectors rather than a referral from ward councillor. It was also asked if officers aware whether one of the ward Councillors were one of the objectors. It was confirmed that the application came to committee on the basis of the number of representations received – it was not referred to committee by the ward councillor and an objection was not received from ward councillors.
- It was asked if the site was classed as an office site and was there provision for protection of the site due to its classification. The officer clarified that whilst some commercial uses have protections, an office use in this location would not be protected by planning policy.
- It was asked if officers are happy with the loss of sites in the local area given the possibility of having to relocate businesses. The officer advised that there was no planning policy basis to prevent the loss of office space. It was also noted that there did not appear to be any office uses operating at the site.
- Poorly managed HMO's could lead to street drinking, increased fly tipping etc.
- The communal area was not large enough.
- The communal rooms were not big enough for a house with 18 people.
- The existing building is of poor quality and was in disrepair.
- The proposed development did nothing to improve the street scene in the local area.
- The design, quality of accommodation for future occupiers were not up to the necessary standards.
- The site looks to be poorly managed (doors hanging off etc) despite residents already living on site.
- The application was not up to standards as there was not a need for more HMO's in the north of the borough.
- The previous application for the use of the site as an office space had a proposal to grant, and the development had been turned into a HMO without authorisation.
- There was a need for more houses in the area.
- There had been no Councillor referral and the objections had been covered in the officers report.

- The 11 rooms with 20 occupiers represented an over occupation of the site.
- The property being so close to the railway line did not enable the developer to provide the occupiers with a suitable amount of amenity space.
- There was an opportunity to improve the insulation and to provide more quality housing, but the application did not achieve this.
- There was no impact on adjoining occupiers.

The substantive motion to GRANT the application based on the officer's recommendation was proposed by Councillor Parker. This was seconded by Councillor Fish.

The motion to grant the application was taken to a vote and carried with three Members voting in favour and three members voting against. The Chair used his casting vote to approve the application.

The Committee RESOLVED to GRANT the application for the development at 1 - 11 Neville Road, Croydon, CR0 2DS.

11/23 **22/00831/HSE - 29 The Ruffetts, South Croydon, CR2 7LS**

Erection of single/two storey side/rear extension, rear dormer and front porch (Retrospective).

Ward: Selsdon and Addington Village

The officer presented details of the planning application and in response to members' questions explained that:

- Under permitted development legislation a developer could implement a three-metre-deep extension that's fully 4 metres in height and that would be acceptable and could be a full back position for a developer. In this case the roof was sloping down to 2.7 metres just beyond the three-metre extent. The fact that the roof was sloping down away from the maximum 4 metres high means it's less than what could reasonably be implemented under permitted development for a distance of 3 metres out from the rear of the property. In theory, the developer could knock down the property and build a three-metre-deep extension which was 4 metres in height, which would have a greater impact than the one proposed in the application.

David Rutherford and Councillor Robert Ward spoke in objection to the application. After the speakers had finished, the committee began the deliberation, during which they raised the following points:

- The sloping roof was the main issue which caused concern.

- The start of the slope of the roof was at the height that the flat roof would have been.
- The issue with the sloping roof highlighted the problem of not having supplementary planning document guidance on householder extensions as well as using permitted development rights that allow you to break that 45 degree rules shows that permitted development rights needed to be reviewed and a new supplementary planning document needed to be introduced.

The substantive motion to GRANT the application based on the officer's recommendation was proposed by Councillor Parker. This was seconded by Councillor Fraser.

The motion to grant the application was taken to a vote and carried with six Members voting in favour.

The Committee RESOLVED to GRANT the application for the development at 29 The Ruffetts, South Croydon, CR2 7LS.

The meeting ended at 9.35 pm

Signed:

Date:

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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 (2021)
 - the Croydon Local Plan (2018)
 - the South London Waste Plan (2022)
- 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.

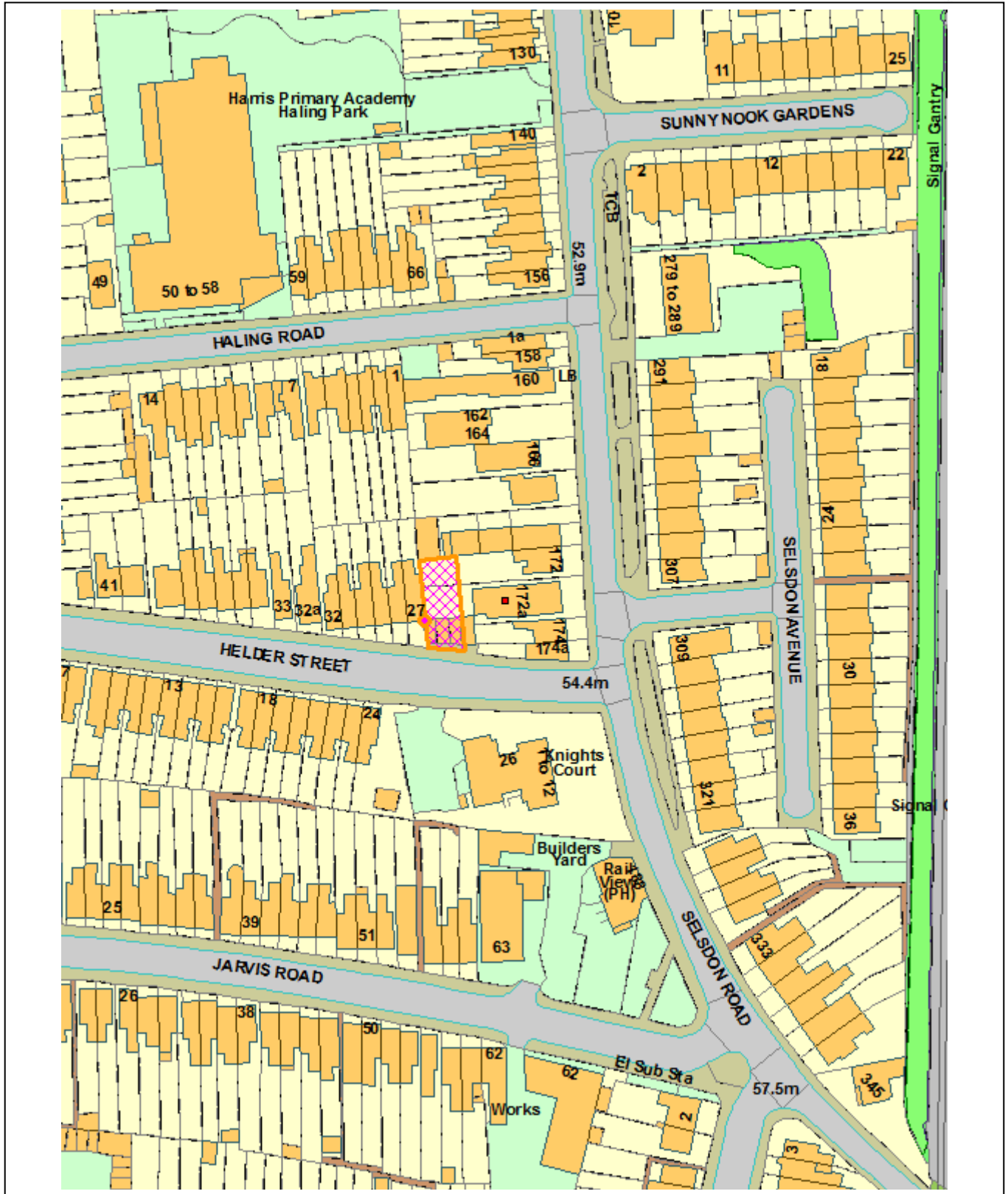
8. BACKGROUND DOCUMENTS

- 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 APPLICATION DETAILS

Ref: 22/03921/FUL
 Location: Kickers House, 172A Selsdon Road, South Croydon, CR2 6PJ
 Ward: South Croydon
 Description: Demolition of 3no. garages at the rear of Nos. 172A - 174A (facing onto Helder Street) and erection of one two-storey 4-bed house; including associated works.
 Drawing Nos: P9/001 Rev M, P9/002 Rev M, P9/003 Rev M, P9/004 Rev M, P9/005 Rev M, P9/006 Rev M, P9/007 Rev M, P9/008 Rev M
 Applicant: Sterling Rose Homes Ltd
 Agent: Mr Miheer Mehta of Sterling Rose Homes Ltd
 Case Officer: Georgina Betts

	1 bed (2 person)	2 bed (3 person)	3 bed (4 person)	4 bed (6 person)	TOTAL
Proposed (market housing)				1	1
TOTAL					1

Vehicle and Cycle Parking (London Plan Standards)	
PTAL: 4	
Car Parking maximum standard	Proposed
Up to 0.5 - 0.75 spaces per dwelling	1
Long Stay Cycle Storage minimum	Proposed
2	2
Short Stay Cycle Storage minimum	Proposed
0	0

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
- Objections above the threshold in the Committee Consideration Criteria have been received

1.2 The item was originally on the agenda for the 9th March 2023 Planning Sub-Committee but was withdrawn in order to seek clarity on interests in the land and certification. This has been confirmed and clarified as correct.

2 RECOMMENDATION

2.1 That the Committee resolve to GRANT planning permission

2.2 That the Director of Planning and Sustainable Regeneration is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

- 1) Commencement time limit of 3 years
- 2) Carried out in accordance with the approved drawings

Pre-commencement

- 3) Construction Logistics Plan to include a survey of the public highway

Above ground level

- 4) Sustainable urban drainage details
- 5) Landscaping and hard standing (to incorporate biodiversity enhancements and front boundary treatments)
- 6) Details of external materials to be submitted to and approved

Compliance

- 7) Carbon dioxide reduction
- 8) Water usage
- 9) In accordance with the Fire Strategy Statement
- 10) The dwelling shall achieve M4(2)
- 11) No enlargement of the proposed dwelling under permitted development
- 12) Any other planning condition(s) considered necessary by the Director of Planning and Sustainable Regeneration

Informatives

- 1) Community Infrastructure Levy
- 2) Code of practice for Construction Sites
- 3) Construction Logistics Informative
- 4) Any other informative(s) considered necessary by the Director of Planning and Sustainable Regeneration

3 PROPOSAL AND LOCATION DETAILS

Proposal

- 3.1 The proposal is for demolition of 3no. garages at the rear of Nos. 172A - 174A (facing onto Helder Street) and erection of one two-storey 4-bed house, including associated works.



Figure 1: proposed front elevation from Helder Street

Amendments

- 3.2 Amended plans were received during the course of the application which has seen the repositioning of the dwelling, detaching it from 27 Helder Street. In addition, amendments have been made to the design of the dwelling and the layout of the front garden area. Third parties have been reconsulted regarding the amended plans given the extent of the changes.

Site and Surroundings

- 3.3 The application site lies on the north side of Helder Street and is currently occupied by three detached disused garages, previously forming part of Kickers House, 172 Selsdon Road. The surrounding area is residential in character comprising predominantly of Victoria residential properties with some noticeable later infill developments and flatted developments nearby.

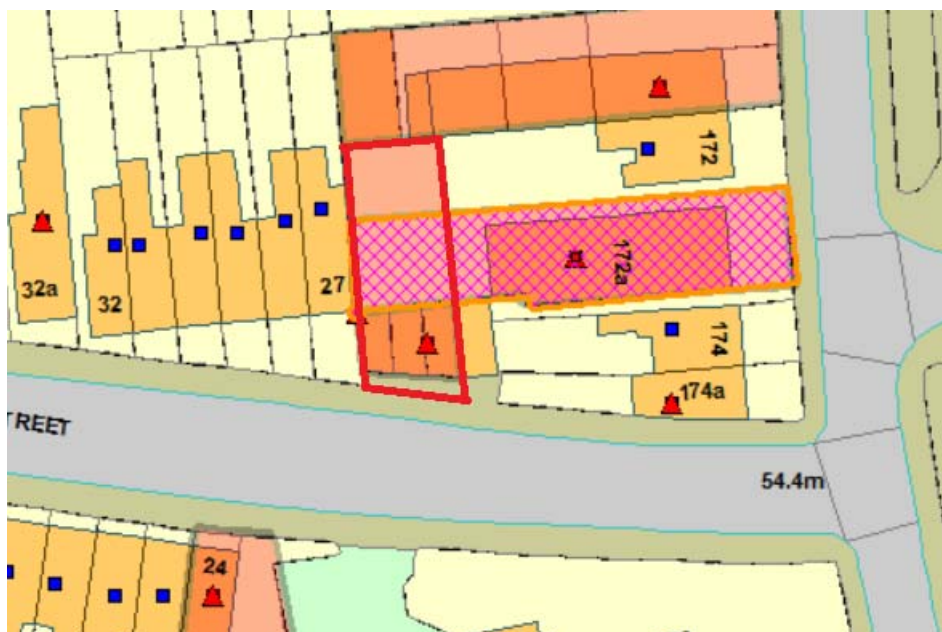


Figure 2: Site Location Plan

Planning Designations and Constraints

- 3.4 The site is at risk of surface water flooding and lies within an archaeological priority zone.

Planning History

- 3.5 The following planning decisions are relevant to the application:

Application site

- 3.6 22/02158/FUL – Refused – 08.08.2022

Demolition of 3no. garages at the rear of Nos. 172A - 174A (facing on Helder Street) and erection of one two-storey 4-bed house; including associated works. Reason for refusal

1. The proposed development, by reason of the roof form and height, which would fail to respond to the roof forms present of adjacent properties in the street, would result in an incongruous addition to the street, and adversely impact upon the overall character of the street. As such, the proposal would be contrary to policy D3 of the London Plan (2021) and policies SP4, DM10.1 and DM10.7 of the Croydon Local Plan (2018).
2. The proposed development, by reason of its excessive level of on-site parking in a well-connected location, would unacceptably promote private car use over sustainable transport modes and would thus be contrary to policies T2, T6 and T6.1 of the London Plan (2021) and policy DM30 of the Croydon Local Plan (2018).

- 3.7 An appeal was lodged against this decision and was dismissed on the 1st June 2023 alongside an application for costs. The Inspector concluded that:

I have found that the proposed development would be harmful to the character and appearance of the area, and the over-provision of off-street parking would support the use of the private car rather than more sustainable modes of transport. These are matters which carry considerable weight, and outweigh the benefits associated with the proposal. The scheme would conflict with the development plan taken as a whole, and there are no other considerations, including the provisions of the National Planning Policy Framework, that outweigh this conflict.

- 3.8 21/05838/FUL – Refused – 09.02.2022

Demolition of 3no. garages at the rear of Nos. 172A - 174A (facing on Helder Street) and erection of two storey building consisting of 2no. flats (1xstudio; 1x1bedroom); including associated works. This was refused on five grounds in relation to 1) lack of family units 2) character of the area 3) impact on neighbouring amenity 4) lack of playspace 5) lack of car parking and cycle/refuse stores.

Building at 172a Selsdon Road

- 3.9 21/05085/FUL – Approved – 01.07.2022

Alterations, erection of an additional storey to provide 1 flat and associated refuse and cycle storage.

- 3.10 21/06100/DISC – Approved – 28.02.2022

Discharge of condition 3 (Refuse and Cycle Parking) for attached to permission 21/05000/GPDO for Change of use from Class E to Class C3 to provide 4 self-

contained flats under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

3.11 21/05000/GPDO – Prior Approval Approved – 08.12.2021

Change of use from Class E to Class C3 to provide 4 self-contained flats under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This permission has been implemented and after a site visit on the 10th August 2023 Officers can confirm that the windows below have now been installed.

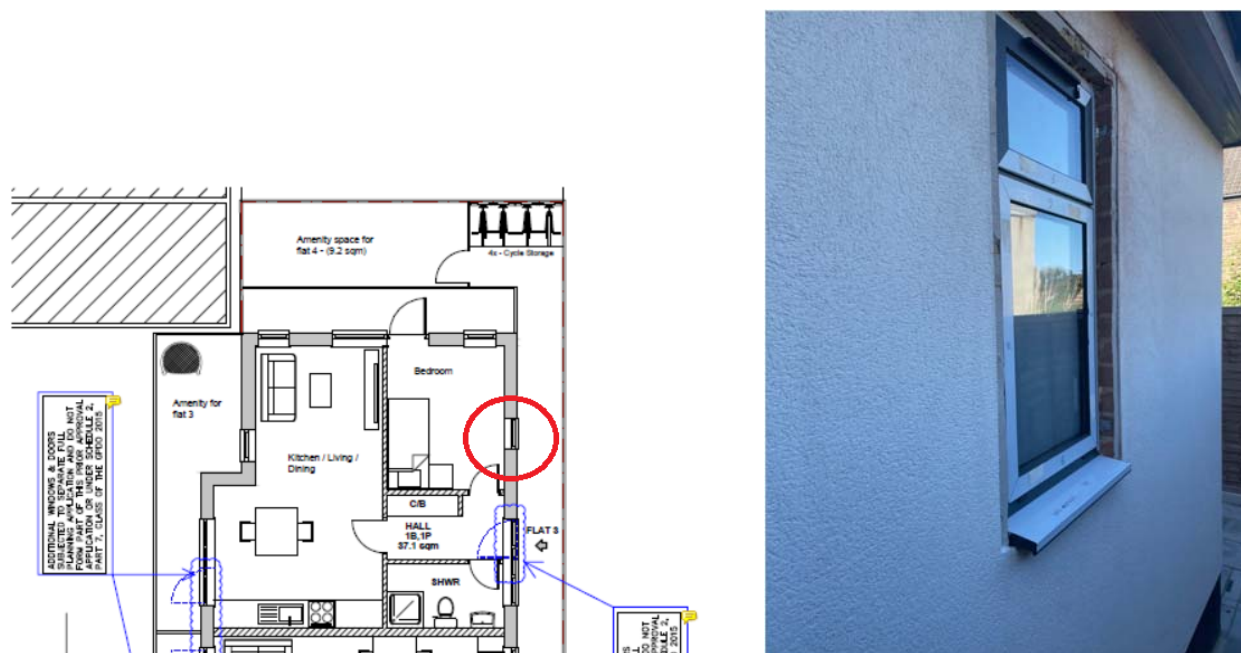


Figure 3: Floor plan from application 21/05000/GPDO (left) and photo showing the installation of such window on site (right)

3.12 19/03893/GPDO – Prior Approval Approved – 31.10.2019

Change of use of ground and first floors (Use Class B1 - office) to residential use (Use Class C3 - dwelling), to comprise of 3 residential units with associated parking, cycling and refuse storage facilities.

3.13 01/01092/P – Approved – 20.06.2001

Use of part of ground floor for purposes within class B1 (business).

3.14 88/01476/P - Approved – 29.06.1988

Use of ground floor premises for retail purposes within use class a1.

3.15 84/02714/P - Approved – 15.03.1985

Erection of two storey front extension to provide garage/store with offices over.

Building at 172a Selsdon Road and application site

3.16 20/04331/OUT – Refused – 23.12.2020

Demolition of existing buildings and erection of 2 new part 2 storey, part 3 storey buildings containing 1 x 3 bed, 3 x 2 bed and 2 x 1 bed apartments with a disabled parking space accessed off of Helder Street. Reasons for Refusal:

1. *The proposed development, by reason of its layout would result in an excessive form of development that would appear dominant and disproportionate, disrupting*

the established building lines of Helder Street and Selsdon Road. The development would therefore appear incongruous, visually intrusive and overbearing to the detriment of the form, proportion and appearance of the site and the surrounding neighbouring properties and the wider appearance of the area. As such, the proposal would be contrary to Policies 7.4, and 7.6 of the London Plan (2016), Policies D1 and D2 of the Draft London Plan, Policies SP4 and DM10 of the Croydon Local Plan (2018) and the Croydon Suburban Design Guide (2019).

2. *The development would fail to contribute to meeting the strategic target of 30% of all new homes to have three or more bedrooms, contrary to Policy SP2.7 of the Croydon Local Plan (2018).*
3. *The proposed development, by reason of its parking arrangement and lack of visibility and sub-standard cycle and refuse storage would result in a detrimental impact to highway safety and would be contrary to policies DM29, DM30 of the Croydon Local Plan (2018).*
4. *The proposal would result in loss of privacy to neighbouring 172 and 172 by reason of overlooking caused by limited distanced between balconies and habitable windows facing the rear elevations of these neighbours. The proposed development would also result in a loss of light and outlook to the rear elevations of these neighbours which could be contrary to Policy DM10.6 of the Croydon Local Plan (2018) and Croydon's Suburban Design Guide (2019).*
5. *The proposed development by reason of its site layout would give rise to a poor standard of accommodation. By reason of the limited spatial separation between the proposed blocks, the development would result in overlooking of habitable spaces. The development also fails to provide an accessible, onsite communal amenity space to serve the development. This would be contrary to Policies DM10.5 and DM10.6 of the Croydon Local Plan (2018).*

4 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The principle of the residential development is acceptable given the residential character of the surrounding area and the need for housing nationally and locally;
- The unit is a 4-bedroom family dwelling which is acceptable;
- The quality of accommodation is acceptable for future residents;
- The design and appearance of the development is of an acceptable quality and suitably overcomes the ground for refusal in 22/02158/FUL, and it is not considered that it would harm the character of the surrounding area;
- The proposal would not create undue harm to the amenity of the majority of nearby residential properties and their occupiers, although harm is identified to 172A Selsdon Road but considered overall, in the planning balance, acceptable;
- The level of parking and impact upon highway safety and efficiency would be acceptable and in accordance with the inspector's decision for 22/02158/FUL;
- Impacts upon biodiversity are acceptable;
- All remaining sustainability aspects can be controlled by conditions.

- 4.1 The following sections of this report summarise the officer assessment and the reason for the recommendation.

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 A total of 31 neighbouring properties were notified about the application and invited to comment.

6.2 A re-consultation on revised plans took place between 25/01/2023 and 8/02/2023.

6.3 The total 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: 24 Objecting: 22 Supporting: 1 Neutral: 1

6.4 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:

Objection	Officer comment
Character and design	
<ul style="list-style-type: none">• Not in keeping• Out of character• Over development• Loss of green space/loss of permeable surfacing	<i>Covered within paragraphs 8.5 to 8.13</i>
Neighbouring amenity	
<ul style="list-style-type: none">• Noise and general disturbance• Pressure on localised parking availability• Overlooking and loss of privacy• Loss of light	<i>Covered within paragraphs 8.24 to 8.30</i>
Transport and Highways impacts	
<ul style="list-style-type: none">• Highway safety concerns given the position of the site on a busy road	<i>Covered within paragraphs 8.33 to 8.38</i>
Not material matters	
<ul style="list-style-type: none">• Devalue existing properties	This is not a material planning consideration

6.5 Councillor Maria Gatland made the following representations:

- Overdevelopment
- Visually intrusive dominating the garden of 172 Selsdon road
- Out of character
- Harm to the residential amenities of 27 Helder Street

Officer response: All points are covered in the report below.

7 RELEVANT PLANNING POLICIES AND GUIDANCE

Development Plan

- 7.1 The Council's adopted Development Plan consists of the London Plan (2021), the Croydon Local Plan (2018) and the South London Waste Plan (2022). Although not an exhaustive list, the policies which are most relevant to the application are:

London Plan (2021)

- D1 London's form, character and capacity growth
- D3 Optimising site capacity through the design led approach
- D4 Delivering Good Design
- D5 Inclusive Design
- H1 Increasing housing supply
- H2 Small Sites
- G5 Urban Greening
- G6 Biodiversity and access to nature
- G7 Trees and Woodlands
- SI 2 Minimising Greenhouse Gas Emissions
- SI 8 Waste Capacity and Net Waste Self-Sufficiency
- SI 12 Flood Risk Management
- SI 13 Sustainable Drainage

Croydon Local Plan (2018)

- SP2 Homes
- SP4 Urban Design and Local Character
- SP6 Environment and Climate Change
- DM1 Housing Choice for Sustainable Communities
- DM10 Design and Character □ DM13 Refuse and Recycling
- DM16 Promoting Healthy Communities
- DM19 Promoting and Protecting Healthy Communities
- DM23 Development and Construction
- DM25 Sustainable Drainage Systems and Reducing Flood Risk
- DM27 Biodiversity
- DM28 Trees
- DM29 Promoting Sustainable Travel and Reducing Congestion
- DM45 Shirley

- 7.2 The Development Plan should be read as a whole, and where policies conflict with each other, the conflict must be resolved in favour of the policy contained in the last document to be adopted, approved or published as part of the development plan, (in accordance with s38(5) of the Planning and Compulsory Purchase Act 2004).

Planning Guidance

National Planning Policy Framework (NPPF)

- 7.3 Government Guidance is contained in the NPPF, updated on 20 July 2021, and accompanied by the online Planning Practice Guidance (PPG). 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:

- Delivering a Sufficient Supply of Homes
- Promoting Sustainable Transport
- Achieving Well Designed Places

SPDs and SPGs

7.4 There are also several Supplementary Planning Documents (SPD) and Supplementary Planning Guidance (SPG) documents which are material considerations. Although not an exhaustive list, the most relevant to the application are:

- Technical Housing Standards: Nationally Described Space Standard (2015)
- London Housing SPG (March 2016)
- National Design Guide (2021)
- London Housing Design Standards LPG (2023)

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. Design and impact on character of the area
3. Quality of residential accommodation
4. Impact on neighbouring residential amenity
5. Trees, landscaping and biodiversity
6. Access, parking and highway impacts
7. Flood risk and energy efficiency
8. Other Planning Issues
9. Conclusions

Principle of development

8.2 The Croydon Local Plan (CLP) sets out a housing target of 32,890 homes over a 20-year period from 2016-2036 (1,645 homes per year). The London Plan (LP) requires 20,790 of those homes to be delivered within a shorter 10 year period (2019-2029), resulting in a higher target of 2,079 homes per year.

8.3 The CLP also sets out a target for development on Windfall sites of 10,060 homes (approximately 503 per year). The London Plan requires 6,410 net completions on small sites (below 0.25 hectares in size) over 10 years, with a small-sites housing target of 641 per year.

8.4 CLP Policy SP2 explains that developments should ensure land is used efficiently. London Plan policy H1 states that boroughs should optimise housing delivery on sites of PTAL 3-6 or within 800m of a train station or town centre boundary. The site has a PTAL of 4 and is a 580m walk from South Croydon Train Station. It is therefore suitable for residential intensification in policy terms, subject to compliance with other material planning considerations.

- 8.5 CLP policy SP2.7 sets a strategic target for 30% of all new homes over the plan period to have 3 or more bedrooms to ensure that the borough's need for family sized units is met. The proposal is for a 4-bedroom house which meets the target.
- 8.6 The proposed development would include the demolition of the existing garages and the erection of a four-bedroom family dwelling and would contribute to the Councils identified housing need.
- 8.7 The three garages are in a poor state of repair, with the roofs having been removed, so are not fit for purpose. Therefore, the principle of their loss is accepted.
- 8.8 Given that the proposal would not result in the loss of valued garages and would contribute to the Councils housing stock the principle of the development can be supported. It should also be noted here that the principle of the redevelopment of this site was supported by the Inspector in the dismissed appeal (Ref No: 22/02158/FUL).

Design and impact on character of the area

- 8.9 CLP policy SP4.1 states that the council will require development of a high quality, which respects and enhances Croydon's varied local character and contributes positively to public realm, landscape and townscape to create sustainable communities.
- 8.10 CLP policy DM10.1 has a presumption in favour of 3 storey dwellings, which should respect the development pattern, layout; siting, the scale, height, massing, and density; and the appearance, existing materials, and built and natural features of the surrounding area.
- 8.11 CLP Policy DM10.7 requires developments to incorporate high quality materials that respond to the local character in terms of other things durability, attractiveness, sustainability, texture and colour. This policy also requires roof forms to positively contribute to the character of the local and wider area with proposals being sympathetic with its local context.
- 8.12 CLP Policy DM10.1 (a) requires the development pattern, layout and siting to respect that of the surrounding area. CLP policy DM10.1 (c) requires proposals to respect the appearance, existing materials and built and natural features of the surrounding area.
- 8.13 The application site lies to the northern side of Helder Street and is currently occupied by three disused garages, which appear to have formed part of the demise of the host property at 172a Selsdon Road and have subsequently been subdivided.
- 8.14 As part of the dismissed appeal decision, under application 22/02158/FUL, the Inspector stated:

The house would be built in a traditional style, and though it would be broader than No 27, it would have approximately the same rhythm of fenestration, and follow the same eaves and building lines as its immediate neighbour; in these matters the proposal would be acceptable. However, it would have a hipped, flat-topped roof (effectively a crown roof, though it was not described as such by either main party) and, although the pitch of the roof slopes would match those of No 27, it would nevertheless look rather squat when viewed alongside its neighbour. It would not read well as a continuous addition to the terrace row (such

as might be achieved by extending the roof of No 271), but instead would have an incongruous and jarring appearance. I conclude that the form and height of the roof mean that the proposed dwelling would be harmful to the character and appearance of the area.

- 8.15 In this appeal decision the Inspector did not conclude that the principle of the development was unacceptable. Instead, the Inspector came to the view that the approach was inappropriate (squat like appearance) and that it would harm the character and appearance of the area. The proposed dwelling, while technically backland in nature, would front onto Helder Street and as such would integrate into its setting and would form part of the street scene of Helder Street. Appearing as a continuation of the existing street scene, but now be detached in nature, the proposals scale, mass and proportionality would be respectful of its Victorian Setting. The amended plans which have been received during the course of this application have sought to provide a separation distance to 27 Helder Street. The separation distance of 1.6 metres would enable access to the rear garden while also providing a sense of permeability between the old and new development; this separation addresses the concerns of the previous Inspector. The applicant seeks to provide one off street parking space which would not result in an enlargement to the crossover given the width of the existing dropped kerb, furthermore this addresses the Inspector's concerns regarding an over provision of on-site parking. Planting would be incorporated into the proposal and would provide a visual improvement when viewed from the street scene.
- 8.16 It is noted that the proposed plot would have a marginally reduced depth when compared to its immediate neighbours. However, given the limited visibility of the rear of the site the reduced depth of the plot would not result in significant harm to the character and appearance of the area to warrant a refusal of planning permission.
- 8.17 Therefore officers consider the current scheme overcomes the concerns raised by the Inspector for 22/02158/FUL. See figures 4 and 5 below for comparison street scene elevations.
- 8.18 Turning to activity patterns, the proposed development would appear as a new detached dwelling within an established street scene. The access to the new dwelling would be provided to the southern elevation as per the adjacent properties. Parking would be to the front and would be accessed directly from Helder Street. The activity pattern associated with the proposed 4-bedroom six person dwelling would be low given its single occupancy and would not be dissimilar in character terms to the nearby residential properties.
- 8.19 It is recognised that the proposal would bring about some change in terms of the intensification of the use of the site. However, the increased activity would not be at odds in such a suburban location and can be supported. The proposal as set out in this submission is materially different from that refused planning permission in August 2018. The amendments that were received and reconsulted on in January 2023 included the re-siting of the dwelling 1.2 metres from the boundary with 27 Helder Street and 300mm from the boundary with 172a Selsdon Road. The repositioning of dwelling ensures that the dwelling appears detached while ensuring that a minimum 1.2 metre (currently at 1.6 metres) side access path is provided to the rear garden. Given the increased separation to the site boundaries the depth of the building has been increased by approximately 1.2 metres. Officers are therefore satisfied that the applicant has now overcome the previous refusal reason (as set out above) in this respect.



Figure 4: Front elevation from reused and dismissed application 22/02 158/FUL



PROPOSED FRONT ELEVATION

Figure 5: Front elevation as part of this application

8.20 Having regards to the modest increase in housing the proposed development is not considered to result in significant harm to the character and appearance of the area to warrant a refusal of planning permission. The development would therefore accord the aforementioned policies in this respect.

Quality of residential accommodation

8.21 LP policy D6 states that housing developments should be of a high quality and provide adequately sized rooms with comfortable and functional layouts. It sets out minimum Gross Internal Area (GIA) standards for new residential developments. CLP policy SP2.8 also deals with quality and standards. The table below demonstrates the GIAs of each residential dwelling:

Unit	Size (bedroom/person)	GIA (sqm) proposed	Min. GIA (sqm)	Amenity Space (sqm)	Min. Amenity Space (sqm)	Built in storage space (sqm)	Min. built in storage space (sqm)
1	4b/6p	109	106	38.6	9	1.5	1.5

Table 1: scheme considered against London Plan Policy D6 and Table 3.1

8.22 As shown on the table above, the proposed dwelling would comply with LP standards on minimum floorspace areas, storage space, and amenity space. The bedrooms would comply with parts 2, 3, and 4 of policy D6 in relation to bedroom size standards. The dwelling would have adequate floor to ceiling heights for the entire dwelling and would be dual aspect. Adequate light levels and ventilation would therefore be achieved.

8.23 Given the above it is considered that adequate floor areas and space standards would be provided for future occupiers.

Amenity Space

8.24 CLP policy DM10.4c states: All proposals for new residential development will need to provide private amenity space that provides a minimum amount of private amenity space of 5m² per 1-2 person unit and an extra 1m² per extra occupant thereafter.

8.25 CLP policy DM10.4d states: All proposals for new residential development will need to provide private amenity space.

8.26 The proposed development provides amenity space well in excess of the space standards and is of a size suitable for a two-storey family property.

Accessible Dwellings

8.27 LP policy D7 states that 10% of new build housing should meet Building Regulation requirement M4(3) 'Wheelchair User Dwellings'; and all other dwellings should meet the Building Regulation requirement M4(2) 'Accessible and Adaptable Dwellings' which requires step free access to all units and the facilities of the site.

8.28 The proposed dwelling would have step-free access with a W/C on the ground floor and the private outdoor space connected to the entrance storey. The proposal appears capable of meeting M4(2) and given the scale of development proposed this is considered acceptable, with final details secured at Building Control stage.

Fire Safety

8.29 LP policy D12A states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety. The applicant has submitted a Fire Strategy Statement which satisfies the requirements of Policy D12 of the London Plan 2021. Full fire safety measures would be secured at the Building Regulations stage.

8.30 Overall, the standard of accommodation is considered to be acceptable, subject to conditions.

Impact on neighbouring residential amenity

8.31 CLP policy DM10.6 states that the Council will ensure proposals protect the amenity of occupiers of adjoining buildings and will not result in direct overlooking into their habitable rooms or private outdoor space and not result in significant loss of existing sunlight or daylight levels. CLP policy DM10.6(c) outlines that proposals for development should not result in direct overlooking of private outdoor space (with the exception of communal open space) within 10m perpendicular to the rear elevation of a dwelling.

8.32 CLP Policy DM10.6c requires new developments to not result in direct overlooking of private space 10m perpendicular to the rear elevation of an existing neighbouring property.

27 Helder Street

8.33 The proposed dwelling would have an approximate width of 6.8 metres and an approximate depth of 9.4 metres. The proposed dwelling would be sited approximately 1.6 metres from the western boundary with 27 Helder Street and 300mm from the eastern boundary with 174 Selsdon Road. The proposed dwelling would not project beyond the overhang of 27 Helder Street. Given the position of the dwelling and its separation to 27 Helder Street the proposal is not considered to appear visually intrusive or overbearing to No27. No windows are proposed in the western flank elevation of the proposed dwelling and as such the proposal would not result in a loss of privacy to No27.

174 Selsdon Road

8.34 The proposed dwelling would be sited approximately 11.5 metres from the rearmost elevation of 174 Selsdon Road; the dwelling sited adjacent to the detached garage at No174. Given the position of the dwelling and its separation to 174 Selsdon Road the proposal is not considered to appear visually intrusive or overbearing to No174. No windows are proposed in the eastern flank elevation of the proposed dwelling and as such the proposal would not result in a loss of privacy to No174.

172 Selsdon Road

8.35 The proposed dwelling would be sited approximately 12.8 metres from the rear of 172 Selsdon Road while the proposed dwelling would not extend fully across the width of the garden of No172. Given the separation distance and position of the dwelling in relation to No172 the proposal is not considered to appear visually intrusive, nor would the proposal result in a loss of privacy given the lack of windows to the eastern flank wall. Officers acknowledge that a sunlight assessment has not been undertaken for this neighbour's garden, but weight is given to the existing single storey structure at 172A Selsdon Road, the lack of any grounds raised in 22/02158/FUL and the fact the garden has already been subdivided, therefore raising no objection.

172A Selsdon Road

8.36 The neighbouring development at 172a Selsdon Road has been subject to previous extensions and the conversion from office use to multiple flats. As such the proposed development would be sited approximately 3.2 metres from rearmost wall of No172a. The area immediately to the rear of 172a Selsdon Road is used as a small courtyard style garden with outlook from this unit to the west and south. As part of the amended plans the applicant has provided a plan which seeks to demonstrate the impact of the development upon this neighbour. This plan shows a small incursion within a 45 degree angle taken from the rear window of No172a, while this incursion is minor the proposal would result in a degree of harm to residential occupiers of 172a Selsdon Road. However, officers note that the two rooms that the windows in the western elevation serve also have windows in the north and south.

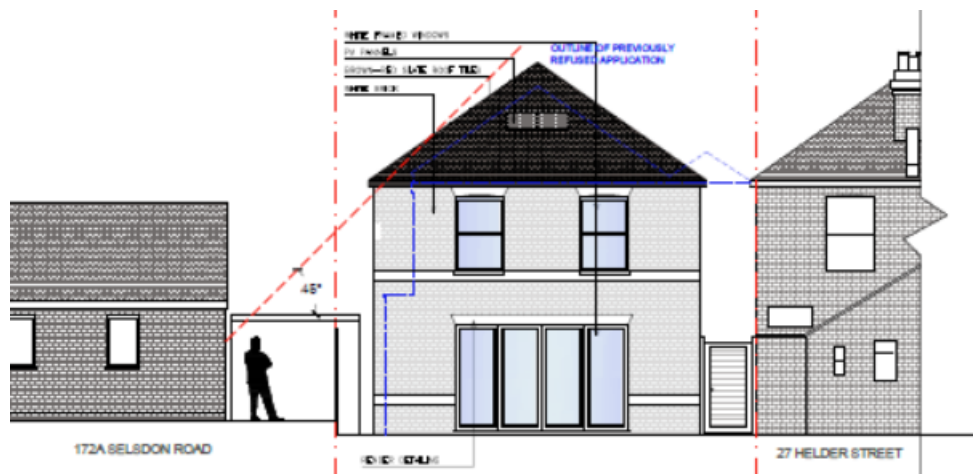


Figure 6: Image depicting the relationship between the proposal and 172a Selsdon Road (to the left)

8.37 Officers acknowledge that the proposal would result in a small degree of harm to the residential amenities of 172a Selsdon Road. However, during the course of this application amendments have been made to improve the overall design of the building, stepping this away from the neighbouring property at 27 Helder Street which has pushed the built form closer to No172a. The repositioning of the dwelling has ensured that the proposal appears detached, respecting the pattern and rhythm of Helder Street. The harm to the amenities of 172a Selsdon Road is acknowledged but has to be weighed in the planning balance. Design improvements are noted while significant weight is attached to the provision of much needed family home within a highly sustainable location, as acknowledged on appeal by the Inspector. In addition, the proposal would result in the redevelopment of brownfield land in which the framework actively encourages.

8.38 A degree of harm to the residential amenities of 172a Selsdon Road (Flat 3) would occur as a result of this development. However, when weighing this impact in the overall planning balance Officers are of the view that the benefits would outweigh this harm when taking the policies of the development plan as a whole. In the previously dismissed appeal (Ref No: 22/02158/FUL), the Inspector came to the view that the proposed development would not harm the residential amenities of the neighbouring properties. Officers note that the proposal is now closer to the host property as the new dwelling has now been detached from 27 Helder Street, although this harm would still be minor and would be outweighed by other planning benefits as set out above.

Trees, landscaping and biodiversity

8.39 LP Policy G7 and CLP policy DM10.8 and DM28 seek to retain existing trees and vegetation. CLP policy DM10.8 requires proposals to incorporate hard and soft landscaping.

8.40 The site current contains three garages and is a derelict in nature with no on site vegetation. The proposed development would not result in the loss of any protected trees or valued landscape features.

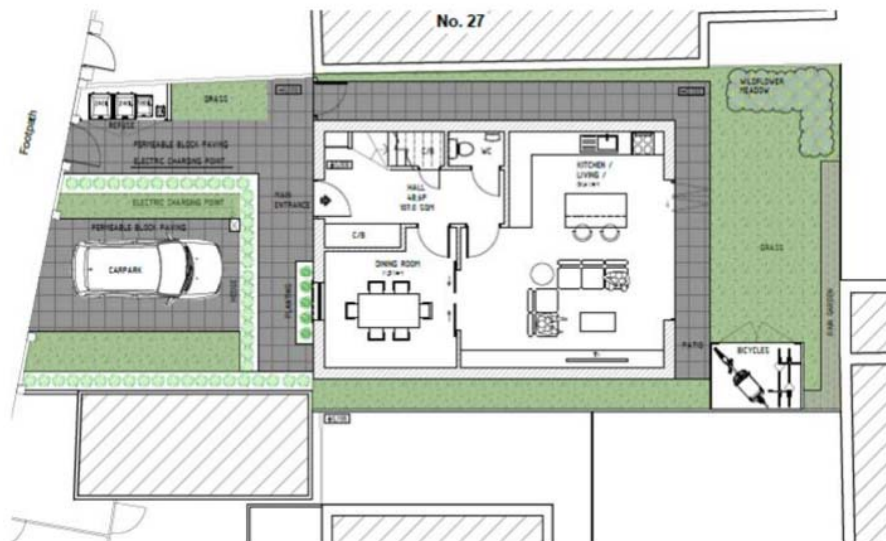


Figure 7: site layout plan

8.41 The above image shows the proposed ground floor arrangement and where there is space for soft landscaping. Final hard and soft landscaping matters are capable of being secured through condition and in doing so the proposal would seek to enhance the quality of the development and would contribute to the suburban character of the surrounding area, given the current garages on site. Such landscaping proposals are capable of incorporating a betterment in terms of biodiversity that are proportionate to the development proposed. Subject to a suitably worded condition the proposal would comply with the aforementioned policies

Access, parking and highway impacts

8.42 LP Policy T6.1 suggests a provision of up to 0.75 spaces per dwelling for developments within PTAL 4. CLP Policy DM30 and LP policy T5 (and Table 10.2) requires the provision of a total of 1.5no. cycle parking spaces for the development proposed in this application. The proposal complies with the maximum parking standards in the London Plan while the proposal is capable of providing cycle parking at a greater ratio to that set out in Policy T5 of the London Plan.

8.43 The garages are currently unsuitable for the storage of motor vehicles given their dilapidated condition while it is noted that the openings are narrow; as such the garages would not be readily accessible by some modern vehicles. There was no evidence from the Officers site visits that vehicles were stored within the garages and therefore there would be no displacement onto the surrounding streets. In fact vehicles were parked within the highway across the dropped kerb blocking access to the said garages. It should also be noted that the garages are physically separated from the host properties with no direct access from 172a Selsdon Road.

8.44 The application site lies within an established residential area and while parking appears congested (based on site visit observations and representations from third parties) and restricted on Helder Street and Selsdon Road, Helder Street itself is not subject to a controlled parking zone and is one way, with traffic going westwards. The proposal incorporates one off street parking space and would not reduce on street parking provision given the extent of the existing dropped kerb, which would be reduced down in depth through highway agreement. Given the sites PTAL rating of 4, where the London Plan sets a maximum parking standard at 0.5-0.75, the proposal

would meet the maximum parking standards providing 1 onsite parking bay. In the dismissed appeal the Inspector stated:

In the light of the appellant's comments about the poor accessibility of South Croydon railway station for disabled passengers, there may possibly be a case for providing a single off-street parking space of a size suitable for use by a person with disabilities. However, I am not persuaded that it would be necessary to provide two private off-street car parking spaces as the appellant intends; this appears to be more a matter of preference.

- 8.45 Given the comments of the Inspector the provision of one parking space on site can therefore be supported by Officers. Vehicular manoeuvres would be reduced to one parking bay, as opposed to the existing three garages, this reduction would reduce potential conflict between road users and would in Officers opinion improve highway safety.
- 8.46 Cycle parking would be provided within the rear garden area within a dedicated store and would be accessed via a 1.2 metre path to the west, the location and access to such a store is therefore considered acceptable.
- 8.47 Policy DM13 requires the design of refuse and recycling facilities to be treated as an integral element of the overall design. Refuse storage would be provided to the western boundary and such is capable of being presented on collection days within a 20 metre drag distance. Whilst being presented on the frontage is not an ideal situation, weight has to be given to the fact the scheme is for one house (so not larger bins as required for flatted development) and the road contains terraced properties with small front gardens, generally low walls and bins located within them. The elevations indicate a 1m high front boundary that would help screen the bins from the road; final details are proposed to be secured via condition. The location of the refuse store is therefore considered acceptable. However, Officers recommend that further details are secured via condition to ensure that the store is constructed using appropriate materials and that landscaping is incorporated to help soften the appearance of the structure from within the street scene.
- 8.48 Given the close proximity of the site to a Primary School and the busy nature of the area it is recommended that a condition is attached to require the submission of a Construction Logistics Plan (CLP). The CLP shall include a survey of the surrounding footways and carriageway prior to commencement of works on site to ensure that any damage to the highway as a result of the building works would be repaired at the cost of the developer.
- 8.49 Overall, in terms of transport matters, the proposal is considered acceptable.

Flood risk and energy efficiency

- 8.50 The site is at risk of surface water flooding but is not located within Flood Zones 1, 2 and 3; it is therefore noted that the proposal has the potential to contribute to surface water run-off. In accordance with LP Policies SI 12 and SI 13 and CLP Policy DM25 it is reasonable that the proposed development seeks to reduce the cause and effect of surface water flooding through the incorporation of Sustainable Drainage Systems (SuDS) as part of the wider landscape strategy. The submitted flood risk assessment identifies SuDS options, primarily permeable paving, soft landscaping and draining at

reduced run-off rates. Subject to the incorporation of an appropriately worded condition the proposal would accord with the aforementioned policies.

8.51 CLP policy SP6 requires development proposals to both achieve the national technical standard for energy efficiency in new homes.

8.52 The proposed development is capable of meeting the energy hierarchy of the LP and would therefore be in accordance with CLP policy SP6. In addition, the development could achieve a reduction in CO2 emissions beyond the Building Regulations Part L and meet a minimum water efficiency standard of 110 litres/person/day as set out in Building Regulations Part G. These aspects would be secured via condition.

Other Planning Issues

8.53 The development would be liable for a charge under the Community Infrastructure Levy (CIL).

Conclusions

8.54 The proposed development would contribute to the Boroughs identified need for family dwellinghouses. Such an approach would seek to make better use of brownfield land in an established residential area and would result in sustainable development, of which significant weight should be attached. In the dismissed appeal the Inspector agreed with the Council in that:

The Council considered that the proposed redevelopment of the site for housing would be acceptable in principle. It also considered that the development would not lead to any unacceptable harm to living conditions for neighbouring residents. Based on the evidence which has been put before me, and my observations during my site visit, I see no reason to take a different view on either of these points.

8.55 The design of the development is appropriate to the character and appearance of the area while the separation to the site boundaries would ensure that the proposal would not appear cramped within its plot. Parking would be provided within the front garden area while a soft landscaping condition can ensure that the frontage area is treated sensitively to respect the wider suburban character. Adequate amenity would be provided for future occupiers. It has been identified that harm to the residential amenities of 172a Selsdon Road would arise as a result of the development, but such harm is outweighed by wider public benefits. Acceptable levels of car and cycle parking would be provided and have been found to be in accordance with the London Plan 2021. In addition, no further dropped kerbs would be required and the proposal would seek to utilise the existing vehicular access onto Helder Street, the proposal would not pose a risk to highway safety. All other matters are capable of being secured through condition. Where sustainable development is proposed the framework it is clear that planning permission should be granted without delay. Officers are therefore satisfied that the proposal is acceptable having regards to the development plan as a whole.

8.56 All other relevant policies and considerations, including the statutory duties set out in the Equalities Act 2010, the Human Rights Act, the Planning and Compulsory Purchase Act, and the Town and Country Planning Act, have been taken into account. Given the consistency of the scheme with the Development Plan and weighing this against all other material planning considerations, the proposal is considered to be

acceptable in planning terms subject to the detailed recommendation set out in section 2 (RECOMMENDATION).

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