

1 APPLICATION DETAILS

Ref: 19/00543/FUL
 Location: Land Adjoining 46 Quail Gardens, South Croydon, CR2 8TF
 Ward: Selsdon Vale and Forestdale
 Description: Erection of 15 x 3 bedroom (5 person) terraced houses. Provision of vehicular access, access road and associated works including car/cycle parking, refuse storage and landscaping
 Drawing Nos: 6716-PL02 B, 6716-PL03 B, 6716-PL04 A, AKJH.19-004.102 A, AKJH.19-004.101 A, ha/aiams3/19/46qgdns 17th April 2019, Reptile survey report 404.08609.00001 1, Energy Strategy V1, Residential Travel Plan WIE14429.100.R.2.1.3.RTP V2 1.3, Construction Phasing, Logistics and Method Statement January 2019, Ecological Appraisal 404.08609.00001 v2, DID/130562/03 Technical Note Issue 1, D//D/130562/01 Issue 4
 Applicant: The Oakwood Group and PA Housing
 Case Officer: Louise Tucker

	3b5p
Private sale	8
Shared ownership	3
Affordable rent	4
Total	15

Number of car parking spaces	Number of cycle parking spaces
15	30

1.1 This application is being reported to Planning Committee as the Ward Councillor (Councillor Andy Stranack) made representations in accordance with the Committee Consideration Criteria and requested Committee consideration. Representations submitted in respect of this planning application have also exceeded the Planning Committee thresholds.

2 RECOMMENDATION

- 2.1 That the Planning Committee resolve to GRANT planning permission prior to the completion of a legal agreement to secure the following
- a) Discharge of the Section 52 (S.52) agreement
 - b) Affordable housing – 47% on site (by habitable room) (of which 43% shared ownership and 57% affordable rent)
 - c) Local Employment and Training contributions
 - d) Financial contribution towards enhanced air quality

- e) Travel plan monitoring fee
- f) Carbon offsetting contribution
- g) Monitoring fee
- h) And any other planning obligations considered necessary

2.2 That the Director of Planning and Strategic Transport is delegated authority to negotiate the legal agreement indicated above.

2.3 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) The development shall be carried out wholly in accordance with the approved plans
- 2) Details of materials to be submitted and approved (including samples)
- 3) Submission of the following to be approved and thereafter retained: Finished floor levels, EVCP (including spec and passive provision)
- 4) Landscaping to be provided prior to occupation and maintained for 5 years
- 5) Landscaping maintenance strategy and schedule to be submitted
- 6) Level access to be provided and retained
- 7) In accordance with Construction Logistics Plan/Method Statement
- 8) Delivery and servicing plan to be submitted
- 9) In accordance with submitted arboricultural survey and constraints plan including tree protection measures and replacement trees
- 10) In accordance with recommendations of ecological survey
- 11) Pre-demolition bat survey to be carried out and mitigation to be agreed
- 12) Pre-demolition badger survey to be carried out and mitigation to be agreed including correspondence from Natural England re. license requirements
- 13) No works to trees to be undertaken during February and August – bird nesting season
- 14) Wildlife friendly lighting scheme to be submitted
- 15) Ecological management plan and mitigation strategy to be submitted
- 16) No windows other than as shown and those shown as obscure glazed shall be provided – obscure glazed windows to be retained as such
- 17) To be provided as specified prior to occupation: Retaining walls, boundary treatment and enclosures, parking spaces and access road including gradient, refuse and cycle stores, visibility splays
- 18) Permeable forecourt material (forming part of a SUDs scheme)
- 19) In accordance with energy strategy
- 20) The development must achieve 35% CO₂ reduction beyond Building Regulations
- 21) Submission of drainage strategy
- 22) The development must achieve 110 litres water per head per day
- 23) In accordance with FRA
- 24) Commence within 3 years
- 25) Any other planning condition(s) considered necessary by the Director of Planning & Strategic Transport

Informatives

- 1) Site notice removal
- 2) Granted subject to a Section 106 agreement
- 3) Thames Water informative
- 4) Community Infrastructure Levy – Granted
- 5) Code of Practice on the Control of Noise and Pollution from Construction Sites
- 6) Wildlife protection
- 7) Noise levels for air handling units/plant/machinery
- 8) Noise levels for living rooms and bedrooms
- 9) Light levels in accordance with guidance for reduction of obtrusive light
- 10) Installation of ultra-low NOx boilers
- 11) Any other informative(s) considered necessary by the Director of Planning & Strategic Transport

2.4 That if, by 20th October 2019, the legal agreement has not been completed, the Director of Planning and Strategic Transport is delegated authority to refuse planning permission.

3 PROPOSAL AND LOCATION DETAILS

Proposal

- 3.1 The applicant seeks full planning permission for the erection of 15x3 bedroom (five person) terraced houses, comprising two opposite terraces of 8 and 7 units. The houses are proposed on what is currently a residential garden attached to an existing bungalow (46 Quail Gardens) which would be retained, albeit with a significantly smaller garden area.
- 3.2 A new access road off Quail Gardens would be created, utilising and modifying the existing turning head towards the end of Quail Gardens. Each house would benefit from a single car parking space (forecourt parking) resulting in 15 on site car parking spaces (1-1 provision), a front refuse store and a rear cycle store. The works include provision of a full hard and soft landscaping scheme (to both front and rear garden areas).

Site and Surroundings

- 3.3 The application site is located on the south-eastern side of Quail Gardens, towards the north-eastern end of the cul-de-sac. The site currently comprises an extensive residential garden attached to 46 Quail Gardens (also previously known as Hallinwood) which is a detached single storey “L”-shaped bungalow which sits within an extensive garden area which also accommodates three outbuildings. The bungalow and one of the outbuildings would be retained as part of the development and used as a single family dwelling-house. The proposed development site would have a 60 metre road frontage onto Quail Gardens.

- 3.4 The ground rises steadily from north-west to south-east – as the site rises towards Selsdon Woods. The whole site is covered by a Tree Preservation Order (TPO 39 of 1979). The site is bounded by 1.8m timber fencing to Quail Gardens, with a brick base. The south-eastern and south-western boundaries (onto Selsdon Woods) comprise a 1.8 metre high chain link fence.
- 3.5 In terms of policy designations in the Croydon Local Plan (2018), the site falls within an Archaeological Priority Area. The site also lies within a Surface Water Critical Drainage Area, with part of the public highway immediately outside the site a Surface Water Flood Risk Area. There are no other local plan policy designations on the site itself.
- 3.6 The south-eastern boundary of the site adjoins Selsdon Wood (a Local Nature Reserve) which is owned by the National Trust and managed by the Council with the assistance of the Friends of Selsdon Wood (a volunteer group). The woodland is designated as Metropolitan Green Belt and a Site of Nature Conservation Importance (SINC) in the CLP (2018). These designations also extend across the strip of land between Quail Gardens and Selsdon Wood to the south-west of the application site. This strip of land was left as a buffer strip between Selsdon Wood and the nearest dwellings at the time the residential estate was first developed (in the 1970s). At that time, the application site (then comprising the bungalow and other buildings in use as a dog kennels) was effectively included within this buffer strip through the imposition of a S.52 Agreement. The terms of this Agreement required the demolition of kennel buildings, the discontinuance of the kennel use and restrictions over the use of the land, limiting the use of the land as a single dwelling-house and garden. This S.52 Agreement is specific to 46 Quail Gardens (including the current application site).
- 3.7 Quail Gardens forms part of the Selsdon Vale Estate (more commonly known as the “Bird Estate”) which is a large residential area lying to the north and east of the site. The estate was largely developed (along with the wider area of Forestdale) during the 1960s and 1970s. That said, the area to the north-west, immediately adjoining the site, was developed in the 1980s.

Planning History

- 3.8 There is extensive planning history on the site and the wider estate, the most relevant of which is summarised below:
- 3.9 The Selsdon Vale Estate was developed in the 1970s following approval of an application for 476 houses (LBC Ref 72/20/259). This was followed by a further planning permission granted for 175 dwellings in 1975 (LBC Ref 75/20/1264). The approved drawing showed the creation of a buffer strip (150ft wide) between Selsdon Wood and the new dwellings and the 1972 planning permission included a planning condition which sought to ensure that the strip of land was kept open and undeveloped – providing the buffer strip between the residential development and the woodland.

- 3.10 In 1979, planning permission was granted for the erection of 20 further semi-detached houses and garages on the former dog kennels site, which included the curtilage of the dwelling at 46 Quail Gardens (LBC Ref 79/20/284). This permission was granted subject to a legal agreement (S.52 Agreement) between the developer and the Council which advised that the use of the land at 46 Quail Gardens for kennels and boarding animals and any associated buildings shall be discontinued/removed and that this land shall only be used as a single dwelling house with associated garden. This permission was implemented and now forms the housing which is occupied at the end of Quail Gardens and Goldfinch Road. The land at 46 Quail Gardens was cleared and used as set out in the legal agreement.
- 3.11 More recently in September 2005, planning permission was refused for demolition of the existing buildings; erection of 5 detached four bedroom houses with detached garages, 4 terraced four bedroom houses, 2 terraced three bedroom houses and a pair of semi-detached three bedroom houses; erection of two storey building comprising triple garage with two bedroom flat over; erection of garage block, formation of vehicular access and provision of associated parking. (LBC Ref 05/02580/P).
- 3.12 The reasons for refusal related to the relationship to the neighbouring Green Belt (causing harm to visual amenities and open character), the adverse impact on the habitat of protected species, the detrimental impact on protected trees and the erosion of the buffer strip between the built up areas and the Green Belt, the Nature Reserve and the Site of Importance for Nature Conservation.
- 3.13 On 23rd September 2005, planning permission was refused for the demolition of existing buildings; erection of 5 detached four bedroom houses with detached garages, 4 terraced four bedroom houses, 2 terraced three bedroom houses and a pair of semi-detached three bedroom houses; erection of two storey building comprising triple garage with two bedroom flat over; erection of garage block, formation of vehicular access and provision of associated parking (LBC Ref 05/02965/P). The reasons for refusal were identical to those highlighted in paragraph 3.12 above.
- 3.14 On 16th April 2007, planning permission was refused for the demolition of gazebo and shed; erection of 4 detached four bedroom houses with integral garages, and 1 detached five bedroom house with integral garage; formation of vehicular access and provision of associated parking. (LBC Ref 07/00687/P). An appeal against this decision was submitted, but was later withdrawn by the applicant.
- 3.15 On 2nd January 2008, planning permission was refused for the demolition of gazebo and shed; erection of 4 detached four bedroom houses with integral garages, and 1 detached five bedroom detached house with integral garage; formation of vehicular access and provision of associated parking. (LBC Ref 07/00464/P). The refusal reasons were as follows:
- 1) The development would be detrimental to the visual amenity, setting and open character of the adjoining Metropolitan Green Belt and would therefore

- conflict with Policies SP5 and RO6 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)
- 2) There are trees on this site subject to the London Borough of Croydon, 46 Quail Gardens Tree Preservation Order, confirmed on 30th April 1980. The proposal, by virtue of the size and orientation of the usable gardens is likely to compromise the retention of a group of prominent maple trees. The trees are likely to dominate the gardens of plots 3, 4 and 5 and to generate an unacceptable degree of shade. The constraints that the maples place over this site are likely to result in future applications to fell the trees that the LPA would have difficulty in refusing. The trees offer a good level of visual amenity in the locale and their removal would be detrimental to the character of the area. The proposal is, therefore, contrary to policies UD2, UD14, SP8 and NC4 of the Croydon Replacement Unitary Development Plan (the Croydon Plan)
 - 3) The development would result in the loss of land that forms an integral part of the buffer strip between the main built-up area and the Green Belt, Local Nature Reserve and Site of Importance for Nature Conservation adjacent and beyond. It would thus be harmful to the character of the area, and the designated Local Open Land “buffer strip” that continues to the north and south of the application site. As such the proposal would be in conflict with the legal agreement attached to the previous planning permission 79/20/284 and policies UD2, UD3, UD14, H2, SP5, SP6 and RO6 of the Croydon Replacement Unitary Development Plan (the Croydon Plan).
 - 4) The design, siting and massing of the development would not respect or improve the existing pattern of buildings and the spaces between them and would thereby conflict with policies UD2, UD3 and H2 of the Croydon Replacement Unitary Development Plan (the Croydon Plan).

(NB: The Croydon Replacement Unitary Development Plan has now been replaced by the Croydon Local Plan (2018). The current policies of relevance are set out in Section 7 of this report)

3.16 A subsequent appeal against this decision was heard by way of a public inquiry in March 2008. The appeal was dismissed on 29th May 2008, the reasons are summarised below (the decision is included as Appendix 2 to this report):

- 1) The proposal would have harmed the setting of the Green Belt, conflicting with UDP policies RO6 and SP5, along with advice in PPG2
- 2) In relation to the loss of the buffer strip, the Inspector concluded that the development would have harmed the character of the area and conflicted with the S.52 Agreement to which he considered protected legitimate planning interests and to which he gave ‘considerable weight’
- 3) In relation to trees, the development was considered to be acceptable and would not have caused shading or dominance over the proposed gardens, nor given rise to irresistible pressure to remove protected trees
- 4) In relation to the design, layout and massing of the development, the development was considered acceptable and would not have caused appreciable harm to the character of the area
- 5) Impact on ecology (in particular badgers and their setts) was considered acceptable

- 6) In terms of housing supply, the Inspector concluded that whilst the proposal would have made a small but useful contribution to housing supply in Croydon, this would not have outweighed other concerns.

4 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- Whilst the previous S.52 Agreement was a critical consideration in respect of previous decisions and specifically the 2008 appeal decision, the balance of issues has changed over the last 10 years (with the introduction of the NPPF, increased housing targets and the adopting of the Croydon Local Plan 2018). Whilst the S.52 Agreement remains an important material consideration (in relation to a retention of a buffer strip) there is a range of other material considerations which now outweighs the harm caused by the proposed redevelopment of the site for housing. With delivery of a range of planning benefits (including the delivery of affordable family housing) the principle of residential development of the site is therefore (on balance) considered acceptable.
- The proposal would contribute positively to borough-wide housing targets and would deliver 15 new family homes on site. 47% of the homes would be affordable, with a broadly policy compliant tenure mix, delivering a 57:43 split, in favour of affordable rent (4 and 3 residential units respectively).
- The scheme has been designed to retain as much of the 'buffer strip' character of the site as possible, with spacing to the boundaries and substantial landscaping to offset the buildings on site. The scale and layout of the proposed built form would be appropriate for the site and the traditional design and materiality would respect the surrounding character of the area.
- The ecological impact of the development and its effect on the adjacent Site of Nature Conservation Importance is able to be mitigated through the imposition of conditions and additional surveys.
- The relationship with the host building and the nearest neighbouring properties fronting onto Quail Gardens is such that there would be no undue harm to residential amenity.
- The development would provide an acceptable standard of living for future residents of the development, with satisfactory internal layouts and generous amenity space.
- The highest quality trees on site would be retained, with appropriate replacement planting to mitigate the loss of other specimens which are of lower quality and not worthy of protection. A robust biodiversity-friendly landscaping scheme is proposed.
- The number of parking spaces proposed has been justified and is considered to be suitable within the locale taking into account on street capacity.
- Access and turning arrangements for vehicles would not impact on the safety or efficiency of the public highway.
- Other matters including flooding, sustainability, landscaping would be satisfactory, subject to the use of appropriately worded planning conditions.

5 CONSULTATION RESPONSE

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

5.2 The Lead Local Flood Authority (LLFA) originally objected to the scheme. However, following further analysis and modelling, the LLFA is satisfied that the proposals can mitigate flood risks through compliance with planning conditions (to be imposed).

6 LOCAL REPRESENTATION

6.1 The application has been publicised by way of letters sent to adjoining occupiers 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: 154 Objecting: 151 Supporting: 2

Neutral: 1

6.2 A petition has been received with 939 signatures. For clarity it should be noted that this is a copy of an online petition which was available to sign prior to the submission of the application (approximately 850 signatures prior to the validation of the application so not directly in response to the proposal) and those who signed the petition did not give their specific address.

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:

Summary of objections	Response
Material issues	
All previous applications have been refused for development at the site and nothing has changed	Refer to paragraphs 8.2-8.27
Loss of buffer strip between Quail Gardens and Selsdon Wood. Will set a precedent for development elsewhere in the buffer strip.	The application site is materially different in planning terms to the remainder of the 'buffer strip', being outside of the Metropolitan Green Belt, the Site of Nature Conservation Importance and the Local Nature Reserve. This is discussed in more detail in paragraphs 8.23-8.29.
Harm to archaeological importance	Refer to paragraph 8.69
There is a Section 52 Agreement in place, preventing development on the land	Refer to paragraphs 8.2-8.29
Harm to the Metropolitan Green Belt	The site is not designated as Metropolitan Green Belt. The site does however adjoin land designated as Metropolitan Green Belt to the south-east and west. This impact is considered in paragraphs 8.28-8.29.

High density, overcrowding	Refer to paragraph 8.30
Homes should be built on brownfield sites first in the town/district centre	Refer to paragraphs 8.2-8.27
There are already enough houses in the area, homes not needed in this area	Refer to paragraphs 8.2-8.27
More affordable homes are needed	Refer to paragraphs 8.2-8.27
Overdevelopment	Refer to paragraphs 8.2-8.27, 8.30
Poor standard of accommodation	Refer to paragraphs 8.39-8.43
Impact on residential amenity of adjoining occupiers – noise and disturbance, loss of light, privacy, outlook, light pollution	Refer to paragraphs 8.35-8.38
Detrimental to wildlife and habitats e.g. badgers	The site itself does not fall within the Site of Nature Conservation Importance, nor is it part of the Local Nature Reserve. Comments relating to ecological impact are considered in paragraphs 8.61-8.66.
Pressure on local infrastructure e.g. schools	Refer to paragraph 8.70
Detrimental to highway safety/traffic generation/inadequate manoeuvring space	Refer to paragraphs 8.44-8.53
Inadequate parking provision	Refer to paragraphs 8.44-8.53
Detrimental to nature reserve and woodland, loss of green space for residents to use, should not build on woodland	There is <u>no</u> development proposed in or encroaching onto Selsdon Woods. There will be no impact on the existing access to Selsdon Woods for local residents, which will remain as is. The development site is currently a private residential garden which borders the Local Nature Reserve. The impact on the nature reserve and woodland is discussed in paragraphs 8.53-8.66.
Impact on the character of the area	Refer to paragraphs 8.31-8.34
Harm to protected trees, post development pressure to prune trees, harm to ancient woodland	Refer to paragraphs 8.53-8.60
Construction noise and disturbance, construction traffic disruption/danger	Refer to paragraph 8.52
The development should not be justified by the draft London Plan as this has not yet been adopted	The draft London Plan has not yet been adopted, but is an emerging document and can be given some limited weight.
Refuse collection	Refer to paragraph 8.51

Flooding and drainage	Refer to paragraph 8.67
Non-material issues	
Harm to the Conservation Area	The site is <u>not</u> within nor nearby to a conservation area. This is not a relevant material consideration for this application.
Loss of Green Belt land	The site is <u>not</u> within the Metropolitan Green Belt. There would be no Green Belt land lost as part of the development.
Loss of well used public space/encroachment on the woods, impact on residents health and wellbeing through loss of access to green space	The site is <u>not</u> part of the Local Nature Reserve (Selsdon Woods). The development site is outside of the Local Nature Reserve. Access to the Nature Reserve would remain as existing.
The Council should not even be considering the proposal	The Council are legally required to consider valid planning applications which are submitted
Loss of view	This is not a material planning consideration
Devaluation of neighbouring properties	This is not a material planning consideration
Impact on ground stability	Structural stability/foundations etc. of the development is covered under separate legislation and/or Building Regulations
New houses will bring anti-social behaviour	The meaning of this comment is unclear. The site is situated within a large existing residential estate and the site being used and occupied by new housing would increase surveillance in and around the site.
Comments relating to intentions of the owners of the existing bungalow	This is not a material planning consideration
Council should not have provided advice to the development prior to the application	The Council offers pre-application advice services to applicants. This is a well-established approach which the NPPF encourages LPAs to offer.
The National Trust were not originally consulted	The National Trust were consulted in the usual manner as an adjoining landowner on 15 th February 2019.
Potholes in the surrounding roads	This is not a material planning consideration
Sewer capacity	This is not a material planning consideration
Application has not been consulted on properly	The application has been advertised in the usual manner in accordance with adopted Council protocols, with letters to adjoining occupiers, a site notice and a press notice in newspaper. Interested parties had 3 weeks to comment as per statutory requirements.
The Council have been street cleaning near the site	Not relevant

6.3 Councillor Andy Stranack has objected to the scheme, making the following representations:

- Not in keeping with the area
- Over Development
- Traffic and Highway concerns

6.4 The National Trust, as landowner of the adjoining land at Selsdon Wood has objected to the planning application raising the following issues of concern:

- Loss of the garden would lose part of the 'buffer zone' which was protected by the S.52 Agreement
- Development would be visually intrusive when viewed from Selsdon Woods and would harm the open character of the woodland
- Detrimental to wildlife
- Harm to the Metropolitan Green Belt

6.5 Natural England raised no objection to the development, but made the following comments:

- The LPA should ensure it has enough information to understand the impact of the proposal on the Local Nature Reserve
- Refers the LPA to standing advice on ancient woodland
- Refers the LPA to standing advice on landscaping, protected species, agricultural land, environmental enhancement, access and recreation etc.

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 an updated form) in February 2019. 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

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

Consolidated London Plan 2015 (LP):

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.13 Sustainable drainage
- 6.9 Cycling
- 6.11 Smoothing traffic flow and tackling congestion
- 6.13 Parking
- 7.2 Designing out crime
- 7.4 Local Character
- 7.6 Architecture
- 7.14 Improving air quality
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland

Croydon Local Plan 2018 (CLP 2018):

- SP2 Homes
- SP4 Urban design and local character
- SP6 Environment and climate change
- SP8 Transport and communications
- 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
- DM24 Land contamination
- DM25 Sustainable drainage systems and reducing flood risk
- DM27 Biodiversity
- DM28 Trees
- DM29 Promoting sustainable travel and reducing congestion
- DM30 Car and cycle parking in new development
- Applicable place-specific policies

7.4 The relevant Supplementary Planning Guidance is as follows:

- London Housing SPG (March 2016)
- London Mayoral Affordable Housing SPG: Homes for Londoners (August 2017)
- The Nationally Described Space Standards (October 2015)
- Suburban Design Guidance (SDG) (SPD) (2019)

8 MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the Planning Committee is required to consider are as follows:

- Principle of Development (S.52 Agreement and Housing/Affordable Housing Delivery);
- Green Belt Considerations
- Density of Development
- Townscape and Visual Impact;
- Residential Amenity;
- Living Conditions of Future Occupiers;
- Parking and Highway Safety;
- Flood Risk;
- Sustainability;
- Trees and Landscaping;
- Other Planning Matters

Principle of Development

Site History – the Buffer Strip

- 8.2 Quail Gardens forms part of the Selsdon Vale Estate, which is a large housing development built in the 1970s carried out under a number of planning permissions. The first application in 1972 (LBC Ref 72/20/259) included a condition to ensure that a strip of land between the edge of the housing estate and the Selsdon Wood Nature Reserve was retained undeveloped. The reason given was to ensure the proper development of the site. Planning permission for a further 175 dwellings was granted to the same developer in 1976 (LBC Ref 75/20/1264). Neither of these planning applications included 46 Quail Gardens, which at the time was known as Hallinwood Kennels - which extended beyond what is currently known as 46 Quail Gardens.
- 8.3 In 1979, planning permission was granted to the same developer for the erection of 20 houses on part of the land known as Hallinwood Kennels (LBC Ref 79/20/284). The remaining land, now comprising 46 Quail Gardens (the existing bungalow and its curtilage), lay adjacent to the formerly undeveloped buffer strip which was the subject of the condition imposed on the 1972 planning permission and was made the subject of a legal agreement between the Council and developer (under S.52 of the Town and Country Planning Act 1971).
- 8.4 S.52 of the Town and Country Planning Act 1971 was amended by the Town and Country Planning Act 1990 (S.106). The S.52 Agreement remains in place and remains an enforceable restriction on the future use/development of the

application site. The S.52 Agreement acts as a land charge and runs with and binds the land until such time as it is varied or formally discharged.

8.5 In the case of the undeveloped land at Hallinwood Kennels (now known as 46 Quail Gardens), the S.52 Agreement (included as Appendix 1 to this report – plan and agreement) states that the developer covenants with the Council as follows (for clarity, the site plan attached to the agreement is also attached as Appendix 1; the blue land referred to is now known as 46 Quail Gardens):

- (1) To demolish the existing kennels buildings on the blue land
- (2) To discontinue the present use of the blue land for kennels and boarding animals
- (3) Not to use the blue land for any purpose other than as a single dwelling-house with associated garden ground

8.6 Within the S.52 Agreement, reference is made to the development of the Selsdon Vale Estate and the condition (imposed on the earlier planning permissions) that a strip of land (150 ft. in width situated along the south western boundary of the site with the Nature Reserve) should remain undeveloped and that the said strip be retained as a buffer of open land between the Estate and the Nature Reserve. It goes on to state that the blue land (now known as the curtilage of 46 Quail Gardens) will form a continuation of the 150 ft. strip and that the developer should regulate the future use of the land as specified in the Agreement i.e. undeveloped. There is no defined planning reason given in the original planning application or the S.52 Agreement itself for the covenants made, or specifically why these provisions were required to protect legitimate planning interests to make the development acceptable.

8.7 This conclusion is further considered through commentary provided by the Planning Inspector who presided over the appeal decided in 2008 which is attached to this report as Appendix 2. He considered whether the purpose of the Agreement was to avoid harm to the ecological aspects of the nature reserve, or for visual amenity reasons. In the appeal decision the Planning Inspector reached the following conclusions:

“The precise purpose of restricting development alongside Selsdon Wood is not made clear either in the 1972 planning permission or in the Section 52 agreement...I do not find the reference to the nature reserve in those documents to be convincing evidence that its purpose was purely for ecological or nature conservation purposes...I consider it more likely than not that reference to the Selsdon Wood Nature Reserve merely serves to identify where the undeveloped land is situated, for the avoidance of doubt. That the undeveloped strip of land retained in the 1972 planning permission is referred to as a buffer of open land, and the effect of the demolition of the kennel buildings increased the openness of the blue land, which in turn was intended to form a continuation of the buffer of open land, suggest to me that the visual amenity of Selsdon Wood was a key planning consideration at the time.”

8.8 Critically therefore, the Planning Inspector considered that reference to the Nature Reserve in the agreement was made only to clearly identify the strip of land and that harm to ecology or nature conservation of Selsdon Woods was not

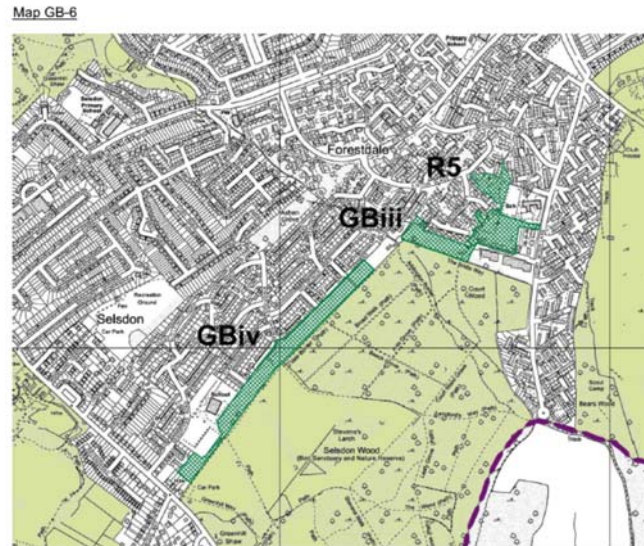
the main reason for ensuring the site remained undeveloped (other than the existing bungalow) with the remainder of the 'buffer strip' between Selsdon Vale and Selsdon Woods. He concluded that the undeveloped strip would form "*a distinct edge to urban development, with the undeveloped strip providing an attractive soft transition to the dense woodland beyond*" and that "*development of the appeal site would amount to a significant reduction of the buffer strip, which would disturb and detract from, rather than enhance, the area's character*". The Planning Inspector felt that because of this harm to the character of the area, the S.52 agreement at that time still protected "*legitimate planning interests*" to which he gave "*considerable weight*".

- 8.9 This is the most recent planning decision that considered the merits of development on the site and as such, it remains an important material consideration alongside the S.52 Agreement in place. However, planning circumstances change over time and one needs to consider the planning merits and the balance of material planning issues in the context of current planning policy context which is considerably different from the policy context which informed previous planning decisions (and especially the 2008 refusal and the subsequent appeal).

Planning Policy Progression and Associated Material Considerations

- 8.10 In terms of the application site and its surroundings, the policy position is materially different to that which was considered in 2008. The National Planning Policy Framework was originally adopted in 2012, which introduced the presumption in favour of sustainable development. The current London Plan was adopted in 2011 (subsequently consolidated with amendments up to 2016). The Croydon Local Plan (2018) was adopted and superseded the Croydon UDP (2008).
- 8.11 At the time of the 2008 appeal decision, the buffer strip (excluding the curtilage of 46 Quail Gardens) was designated as Local Open Land in the Croydon Replacement Unitary Development Plan 2006 (the Croydon UDP). Areas of Local Open Land were locally designated as areas of open space which did not meet the standards of Metropolitan Green Belt or Metropolitan Open Land, yet still made a contribution to outdoor sport, leisure and recreational use in the Borough. The open character of Local Open Land was protected by former Policy R08 in the Croydon UDP. The curtilage of residential properties (including 46 Quail Gardens) were excluded from the designation of Local Open Land as they were not openly accessible nor available for recreation. Selsdon Woods (adjacent to the 'buffer strip') was at the time a Local Nature Reserve and designated as a Site of Nature Conservation Importance.
- 8.12 The Local Plan has since been through a review process, which resulted in the adoption of the Croydon Local Plan (2018). This review assessed all designated open spaces in Croydon and once undertaken, the 'buffer strip', referred to in the Plan as 'Land between Vale Border and Selsdon' was considered to meet the relevant tests within the NPPF for designation as Metropolitan Green Belt (*checks the unrestricted sprawl of London, prevents Croydon from merging with towns in neighbouring local authorities, safeguarding Croydon's countryside from encroachment and assisting in regeneration by encouraging the recycling of*

derelict and urban land). Given that the strip of land was also directly adjacent to an area of Metropolitan Green Belt, this strip of land was formally added to the Metropolitan Green Belt. The plan indicating this change in designation is reproduced below.



- 8.13 It is important to note that this excluded the residential curtilage of 46 Quail Gardens. This was not designated as Metropolitan Green Belt as part of the Local Plan review. Whilst there is no evidence that the residential curtilage of 46 Quail Gardens was considered for inclusion in the Metropolitan Green Belt, there were three representations made in support of the expansion of the 18 additional Green Belt sites which were designated in the Local Plan Review (including Land between Vale Border and Selsdon). However there were no representations made specifically on this strip of land or 46 Quail Gardens itself.
- 8.14 As such, the residential curtilage of 46 Quail Gardens is not subject to any constraints in policy terms which would prevent residential development on the site or the subdivision of the plot. That said, the site cannot be defined as “brownfield land” and the S.52 Agreement remains in place which continues to protect the land from redevelopment.

Setting the scene - Housing Need

- 8.15 This application is required to be considered against a backdrop of Croydon’s significant housing need – viewed in the context of London as a whole. All London Boroughs are required by the London Plan to deliver a number of residential units within a specified plan period. In the case of the London Borough of Croydon, there is a requirement to deliver a minimum of 32,890 new homes between 2016 and 2036; Croydon’s actual need identified by the Croydon Strategic Housing Market Assessment would be an additional 44,149 new homes by 2036, but as there is limited developable land available for residential development in the built up area, it is only possible to plan for 32,890 homes. This requirement is set out in policy SP2.2 of the Croydon Local Plan (CLP) (2018), which splits this target into three relatively equal sub targets with 10,760 new homes to be delivered within the Croydon Opportunity Area, 6,970 new

homes as identified by specific site allocations for areas located beyond the Croydon Opportunity Area boundary and 10,060 homes delivered across the Borough on windfall sites. The draft London Plan, which has recently undergone extensive examination, proposes significantly increased targets which will eventually need to be further accommodated across the Borough.

- 8.16 Selsdon Ward is expected to contribute to meeting this housing need which is identified by the CLP (2018) as being an area for sustainable growth of the suburbs with some opportunity for windfall sites, with growth mainly confined to infilling with dispersed integration of new homes respecting existing residential character and local distinctiveness. The Croydon Suburban Design Guide (2019) has also recently been adopted, which sets out how suburban intensification can be achieved; high quality outcomes and thinking creatively about how housing can be provided on windfall sites. As is demonstrated above, the challenging targets will not be met without important windfall sites coming forward, in addition to the large developments within the town centre and on allocated sites throughout the plan process.

Affordable Housing

- 8.17 Within the above targets, there is a clear and identified need for affordable homes. The Local Plan process identified that of the overall homes needed in Croydon, about 91% need to be affordable for residents on lower incomes. It is recognised that it is not realistic to expect this proportion of new homes in the borough to be affordable, so the targets recognise viability and deliverability constraints.
- 8.18 There is a strategic policy target for 25% of all new homes developed in the Borough over the plan period to be either affordable rented homes (homes which are up to 80% market rent) or homes for social rent to meet the Borough's need. There is a further strategic target for 15% of all new homes in the borough developed over the plan period to be intermediate affordable housing for starter homes, low cost shared home ownership managed by a Registered Social Landlord or Intermediate Rent.
- 8.19 The CLP (2018) states that on sites of ten or more dwellings, the Council will negotiate to achieve up to 50% affordable housing, subject to viability, and will seek a 60:40 ratio between affordable rents homes and intermediate (including shared ownership) homes, unless there is an agreement with a Registered Provider that a different tenure split is justified.
- 8.20 The applicants (Oakwood Housing Group and PA Housing) have confirmed that 47% of habitable rooms (equating to 7 out of the 15 homes) would be provided as on site affordable housing, with a 57:43 tenure split (in favour of affordable rent). This equates to 4 of the 7 affordable units being delivered as affordable rent. Officers feel that this represents a key benefit to the scheme and in view of the level of affordable being offered (alongside a positive tenure mix) there is no further need to interrogate scheme viability. Should planning permission be

forthcoming, the affordable housing (47%) would need to be secured through a S.106 Agreement process.

- 8.21 It is understood that PA Housing (a Registered Housing Provider) is working with the housing developer with the intention to deliver the remaining 8 units as shared ownership (with all units therefore being delivered as affordable housing). Whilst there can be no absolute guarantee that the scheme will deliver 100% affordable housing, the Planning Statement confirms that the parties are working together to do just that although to be clear, it is not considered reasonable to link the delivery of 100% affordable housing provision through a S.106 Agreement. It is encouraging however that the application has been submitted jointly by PA Housing and Oakwood and your officers have received positive messages about the prospect of the delivery of 100% affordable housing – with draft contracts in place between the parties. This collaborative approach between a developer and registered provider, seeking to maximise the delivery of affordable housing is welcomed and provides a clear benefit to the scheme, particularly the delivery of affordable rented family accommodation.

Family Housing

- 8.22 There is an identified need for three bedroom family housing. There is a strategic target for 30% of new units to be three bedroom family units. There is also a target for schemes of over 10 units to provide a minimum of 70% three bedroom units as part of the scheme, in a suburban location such as this with a low PTAL rating. The proposed development would exceed this target with 100% of the scheme being three bedroom family homes. Not only would this level of family housing comply with area specific policies (linked to PTAL); it would also help the borough in meeting its 30% family housing strategic housing target. This scheme therefore would make a significant contribution towards the delivery of much needed family accommodation – with a proportion being delivered as affordable housing. This represents an updated housing policy position (compared to the policy position in place at the time of the previous 2008 appeal decision) which needs to be balanced against the harm caused by the redevelopment of the site – linked to the terms of the previous S.52 Agreement outlined in preceding paragraphs.

Conclusion - Section 52 Agreement – Policy Balance

- 8.23 The S.52 Agreement still represents an important material planning consideration which was strongly supported on appeal back in 2008. Officers remain of the view that some harm will be caused as a consequence of residential redevelopment of this site (in terms of the removal of the part of the extended buffer strip). It is of some relevance however that the site was not included as Metropolitan Green Belt as part of the recent Croydon Local Plan review process (especially as the other parts of the buffer strip to the south west of the application site have now been designated as Metropolitan Green Belt).
- 8.24 Critically, it is important that one also takes into account changing policy context and especially increased housing targets identified by the CLP and specifically the need to deliver affordable housing across all unit types – but especially family affordable housing. The number of units proposed as part of this development

would exceed affordable housing thresholds (in excess of 10 units) and the delivery of a high level of affordable housing with a policy compliant tenure mix (captured through a S.106 Agreement) also represents an important planning consideration in accordance with the CLP and London Plan policy.

- 8.25 These issues are finely balanced, but subject to compliance with other related development plan policy, in view of the significance of housing delivery and especially affordable housing delivery, officers feel that the balance should be weighed in favour of the scheme, with the delivery of affordable family accommodation outweighing the harm caused by the encroachment into the land and the reduction on the open character of the site (albeit protected by the previous S.52 Agreement). The adoption of the NPPF, the London Plan, the Croydon Local Plan and the associated housing/affordable housing targets forms a clear distinction between the previous appeal decision and the circumstances surrounding the present scheme.
- 8.26 As outlined below, the scheme is considered to be acceptable in respect of the other relevant material planning considerations and has sufficiently addressed the issues previously assessed (both by officers as well as the Planning Inspector). Following detailed scrutiny of the ecological, arboricultural and landscaping supporting information (in discussion with internal and external consultees) officers are satisfied that the benefits of retaining the site as open garden land (as a buffer to the neighbouring Selsdon Woods) represents a lesser consideration, compared to the delivery of additional housing (and especially affordable housing). Even with the development being progressed, officers are satisfied that the 'buffer strip' that was envisaged back in the 1970s will continue to function effectively, with the development being broadly in keeping with the character of the area whilst respecting the value of the adjacent nature reserve, Green Belt and Ancient Woodland. The scheme would allow the currently unused large residential garden to be used more effectively – aligned with the desire for sustainable suburban intensification.
- 8.27 In planning terms, there is material difference between the application site and the surrounding land given the policy designations (Green Belt and SINC) and it is clear that encroachment onto the remaining buffer strip (now included as Metropolitan Green Belt) would not be supportable in principle.

Impact on the adjacent Metropolitan Green Belt

- 8.28 The site does not fall within the Metropolitan Green Belt, but does directly adjoin Green Belt Land. Whilst current policy seeks to protect and safeguard the extent of the Green Belt (development within it) there is now no policy which specifically protects the setting of the Green Belt. This is a materially different policy position, compared to the previous application (2008) where consideration was afforded to the impact on the openness and setting of the adjacent Green Belt. Consideration of the impact on the Green Belt in character terms is discussed below.
- 8.29 The large preserved trees along the south western boundary are to be retained, with a minimum distance of 13m from the site boundary to the nearest house. The houses and road would be set away from the south eastern boundary,

beyond a proposed buffer hedge. Land levels slope steeply downwards from south east to north-west, meaning the housing would not be overly prominent from the footpath adjacent to the nature reserve. The application site forms part of a residential garden and whilst the garden land cannot be classified as “brown-field land”, the current occupier enjoys extensive permitted development rights which (as a fall back) could lead to extensive coverage of the garden area. Overall, officers are satisfied that the character of the neighbouring Green Belt land would not be materially affected – especially with the extent of the Green Belt extension since the previous appeal decision (back in 2008).

Density

8.30 The site has a suburban setting with a PTAL rating of 1b and as such the London Plan indicates that density levels ranges of 150-200 habitable rooms per hectare (hr/ha) are appropriate. Taking into account the site area, the proposal would be marginally in excess of this range at 204hr/ha. In any case, the London Plan indicates that it is not appropriate to apply these ranges mechanistically, as the density ranges are broad, to enable account to be taken of other factors relevant to optimising potential – such as local context and design. Where these considerations have been satisfactorily addressed, the London Plan provides sufficient flexibility for higher density schemes to be supported. The site itself is substantial in terms of size and other than the host property, does not directly adjoin any other properties. In the context of the location, the development would be of an acceptable density and would make optimal use of the site, respecting the constraints.

Townscape and Visual Impact

8.31 The scheme comprises two terraces of 7 houses, with a central access road. Whilst the units are three storey, they appear as two storey houses with accommodation in the roof-space, achieving the minimum height requirement set out in policy DM10 of the CLP (2018). The Selsdon Vale Estate (including Quail Gardens) is characterised by two storey properties of uniform style and gable roofed forms, largely built over the same period. These are predominantly semi-detached and detached, but there are terraced properties of similar design within the wider area. Consequently, the proposed scale, form and design would respect the surrounding character of the area. The houses are staggered within the terrace and step up with the topography, which successfully breaks up the massing of the façade. This approach is seen throughout the surrounding estate, where the topography is varied. There would be some excavation required to manage the sloping site and to achieve appropriate gradients for the road and parking areas, but retaining walls particularly within the front gardens have been kept to a minimum to avoid an over dominance of hard landscaping.



Elevation B-B
Scale 1:200



Elevation E-E
Scale 1:200

8.32 The design and appearance of the dwellings would be traditional, taking cues from the local vernacular, with appropriate features and materials, including mono-pitch roofs and front porches. This approach has been followed in terms of proposed materials and elevational treatment, respecting the strong character of brick and tiles in the Estate, with a condition requiring the submission of samples to ensure that quality is delivered. The two terraces would be set back from the road by around 6 metres, creating a legible approach to the dwellings with opportunity for landscaping. The end of the terraces would address the Quail



Gardens street-scene with the inclusion of a bay style window, ensuring the development is integrated with the existing Estate and provides some street presence.

- 8.33 The scheme has been designed to retain as much of the 'buffer strip' character of the site as possible, whilst also optimising the development potential of the site. The two terraces are well set away from the site boundaries to allow for a realistic landscaped buffer to be provided. For example, along the rear boundary with the nature reserve, current land levels would remain intact directly adjacent to the boundary to maintain the existing relationship as much as possible, with enough space left to practically allow a substantial mixed native hedgerow with trees interspersed – becoming established over time. This will not only help screen the development in terms of visibility and any potential for noise and disturbance, but also promote biodiversity on the site. This is similarly the case for the south western boundary where the existing TPO trees would be retained and again, a native hedgerow introduced with the opportunity to seclude the site even more than the existing scenario. Whilst views into the site would be more open when viewed from Quail Gardens, the existing shrubbery and conifers would be replaced with high quality landscaped banks on either side of the new access, including the provision of instant impact trees.
- 8.34 Taking all factors into account, the scheme would be accommodated in a generously sized plot, located within an established residential area. Following careful consideration, it is felt that development can be accommodated on the site in a sensitive manner, managing the constraints whilst balancing the need for housing.

Impact on Neighbouring Residential Amenity

Impact on 46 Quail Gardens

- 8.35 Whilst the garden to 46 Quail Gardens would be reduced in size, a substantial garden (around 1300sqm) would be retained for the occupiers, largely to the front and side. This would be largely in keeping with the current character of the site, which is set well back in its plot with a limited rear garden depth and the majority of the amenity space to the side. There would be a separation distance of 9.5-10m between the rear walls and the application site boundary with the garden. This is considered acceptable.
- 8.36 The rear elevation of the nearest terrace would be around 16.5m from the flank elevation of the 46 Quail Gardens. This is in excess of the minimum separation distance guidelines in the SDG (2019) and would retain main outlook to the front and rear for the occupiers of the bungalow. There are side windows on the bungalow which face the application site. These serve either non-habitable rooms, or are secondary windows to habitable rooms benefitting from dual aspect. Again, trees and native hedging are proposed along the site boundary to



soften the appearance of the new development and minimise any perception of overlooking from the adjacent house and remaining garden. Overall it is considered the impact on the residential amenity of the host dwelling is considered acceptable.

Houses on Quail Gardens

8.37 Whilst the nearest of the proposed dwellings would be set at a higher land level (compared to dwellings located on the opposite side of Quail Gardens) the two storey flank elevation of the nearest house would be over 22m away from the front elevation of the opposite houses. This separation distance would incorporate the road and footway, as well as front gardens for both the existing and proposed dwellings. The only first floor windows on the proposed elevation fronting Quail Gardens would be secondary windows not providing main outlook for occupants. Houses facing each other within a street-scene is an accepted and established relationship within a suburban context and the relationship is comparable to that found elsewhere on the Estate given the variations in topography. This is similarly the case for car headlights. Whilst there would be some increase in trip generation toward the end of Quail Gardens from the development, cars can already use the existing turning head at night in the current scenario. There would be no direct views towards 44 Quail Gardens from the nearest property (Unit 9) and the separation distance (minimum of 20m apart) is sufficient to ensure there would be no loss of light or outlook. The development is considered acceptable in terms of light, outlook and privacy of neighbouring occupiers.

8.38 There would be additional comings and goings in and out of the site as a result of the development, which is the case with any new housing. It is not considered there would be harm to the residential amenity of surrounding occupiers through noise and disturbance.

The Standard of Accommodation for Future Occupiers

8.39 The proposed houses would comply with internal dimensions and minimum GIA for 3b5p units required by the Nationally Described Space Standards. All units

would be dual aspect with adequate outlook. In terms of layout, each unit would have accommodation across three floors with an open plan living, kitchen and dining area and a small first floor study.

8.40 Each unit would have access to a generous private garden, well in excess of the minimum size requirements set out in policy. It is acknowledged there is no



communal amenity space nor child play-space provided as part of the scheme, in accordance with Policy DM10 of the CLP (2018). The site is constrained in terms of topography, the need to retain preserved trees and the need to allow for a meaningful landscaped buffer around the site. Whilst the scheme would not strictly comply with policy, each house would be provided with a generous private garden and it is reasonable to presume that children would likely use private rear gardens for play, as opposed to a separate children's play area. Similarly residents would more likely use their private gardens for amenity and recreation (external sitting, barbecues) rather than a separate communal garden located elsewhere on the site. The gardens are large enough to allow flexible use for both adults and children and would be able to accommodate play equipment if desired. This would allow residents to manage their own garden as they see fit, also removing the requirement for occupiers of the affordable units to contribute to maintenance charges of the communal space. In this sense, private amenity space would be more desirable and practical for future residents, particularly where high quality public open space (Selsdon Woods) lies in such close proximity to the site. Therefore, taking into account the relatively small scale of the scheme, the generous rear gardens proposed and the location directly adjacent to a publicly accessible nature reserve, it is considered the amenity space provision is acceptable and would provide a high quality standard of development.

8.41 In terms of accessibility, London Plan Policy 3.8 'Housing Choice' requires 90% of dwellings to meet M4(2) 'accessible and adaptable dwellings' Building Regulations requirement, with the remaining 10% required to meet M4(3) 'wheelchair user dwellings'. The key issue in ensuring that M4(2) can be achieved within a development is to ensure, at the planning application stage, that the units can reasonably achieve level access. If level access cannot be reasonably achieved, then the units cannot be required to meet the M4(2) Building Regulations. The London Plan recognises that securing level access in

buildings of four storeys or less can be difficult and that consideration should also be given to viability and impact on ongoing service charges for residents.

- 8.42 The applicant has confirmed that the units can comply with M4(1) Building Regulations, with step free access to all entrances, no raised entrance thresholds and front ramps no greater 1:20. However, due to the challenging topography of the site the development is not able to comply with parts M4(2) or M4(3) of the Building Regulations. Whilst a WC has been provided at entrance level, there is a change in level at ground floor (to deal with topographical changes and to avoid site excavation). It is not considered feasible to provide a lift within each house, which would increase the height and massing of the buildings and would be also likely to lead to additional service charges for residents. Taking this into account, along with the significant topography constraints and the fact that the scheme has been designed in accordance with the requirements of the Registered Provider who will be (hopefully) managing all of the units, it is considered this scenario would be acceptable in these circumstances. A condition has been recommended to ensure that level access is provided.
- 8.43 It is therefore considered that the proposals would result in a good standard of accommodation for future occupiers of the development.

Parking and Highways

- 8.44 The site has a PTAL rating of 1b which indicates poor accessibility to public transport. Each house would benefit from one car parking space, making 15 spaces in total. 30 long stay cycle parking spaces (2 per unit) would be provided, along with 2 visitor cycle parking spaces.
- 8.45 Current transport policy generally seeks to reduce on-site parking in areas with good PTAL rating and encourage sustainable transport methods. The applicant has provided a Transport Statement with their submission which discusses the parking provision. For 3 bedroom units, Local Plan and London Plan standards require up to 1.5 car parking spaces per unit and 2 cycle parking spaces per unit. 2011 census data for Selsdon and Ballards Ward for car and van availability per household was 92%, which if used as a proxy for car ownership in the development, would equate to a need for 14 spaces within the development. Whilst these factors suggest that the level of parking proposed is appropriate, given the low PTAL rating, the applicant has provided further justification.
- 8.46 A parking beat survey, in accordance with the Lambeth methodology, was undertaken in support of the scheme. This surveyed available parking spaces within 200m walking distance of the site on two weekday nights in January to measure overnight parking demand. The survey incorporated realistic parking availability, for example excluding dropped kerbs, turning heads and roads which are practically inappropriate for parking on both sides, for example Quail Gardens itself. The results found that whilst some streets recorded over 100% parking occupancy (Wagtail Gardens and Lapwing Close), the survey area recorded an average of 81% parking stress (between 79%-83% occupancy), which is the equivalent of between 24 and 19 available on-street parking spaces. Parking stress is generally deemed as high when there is an 85% saturation. Therefore whilst the survey demonstrates there is elevated demand for parking

in the area, parking stress is not at capacity. This suggests that there is sufficient available on-street parking in the vicinity to accommodate any overspill from the development.

- 8.47 In addition to the above considerations, the site is located within a 3 minute walk of a bus stop served by the 433 bus route, which provides services to Addington Village Interchange and East and West Croydon stations. This also connects the Selsdon Vale Estate with the Selsdon District Centre, approximately a 6-7 minute bus journey away, 20-25 minute walk or 8 minute cycle from the site. The High Street has two supermarkets, a Post Office, pharmacy and bank. There are also primary and secondary schools within walking distance of the site.
- 8.48 The developer has produced a Travel Plan. The targets for the plan are to reduce private car use by 5% within 5 years and increase the number of trips being undertaken by public transport by 5% within 5 years of the survey, with methodology setting out how these targets will be progressed. These are evolving documents and must be monitored over set timescales by the local planning authority to assess achievement of targets, which the developer has committed to be secured through the S.106 Agreement. This will commit the applicant (and eventually the Registered Provider) to work with residents to reduce reliance on the car, further reducing the likelihood of overspill parking onto the road network.
- 8.49 Taking all matters into account, it is considered the parking provided is acceptable.
- 8.50 The site would be accessed via the existing turning head off Quail Gardens. The existing dwelling would retain its driveway onto Quail Gardens. The proposed road would function as a shared space for vehicles and pedestrians. The front gardens would be open allowing clear views along the access road in both directions creating a safe environment for pedestrians. Pedestrian visibility splays would be achieved at the access onto Quail Gardens. There would be adequate turning and manoeuvring space within the site for vehicles to enter/exit in a forward gear, ensuring traffic utilising Quail Gardens is not impacted upon in terms of safety and efficiency. In any case, it is anticipated within the Transport Statement (compared with other similar developments) that there would only be the equivalent of a car/van trip every 6 minutes during the AM Peak Hour and a car/van trip every 7.5 minutes during the PM Peak Hour which is not considered to be significant in the context of the surrounding residential area and would not have a material impact on the highways network on the area.
- 8.51 Refuse storage is located to the front of each house. Whilst this is not in accordance with general policy requirements there is no feasible alternative. A communal store adjacent to the highway would be substantial in size and obtrusive in the street-scene, as well as inaccessible and inconvenient for residents in terms of acceptable drag distances. It has been demonstrated with vehicle tracking diagrams that a refuse vehicle could safely access the site via Quail Gardens in reverse gear, exiting back out onto Quail Gardens in forward gear. This would offset the removal of the existing turning head, allowing for an easier manoeuvre which is compliant in terms of drag distances for collection crews and convenient for residents.

- 8.52 A Construction Logistics Plan and Method Statement has been submitted with the application. This responds to a number of concerns raised by residents in terms of managing noise, disturbance and disruption during construction of the development. The document is comprehensive and sets out the construction methodology including construction hours, traffic management, delivery access routes and arrangements, unloading/loading procedures and importantly liaising with surrounding occupiers. This is considered to be acceptable and the developers will be required to comply with this document through a planning condition.
- 8.53 Subject to conditions in relation to the above the development would be acceptable on highway grounds.

Trees and Landscaping

- 8.53 An area Tree Preservation Order (TPO 39 of 1979) covers the site. This covers any trees which were in place on the site at the time the TPO was made and as such an assessment has been undertaken of the trees currently on site and their quality and amenity value.
- 8.54 Based on the maturity of the specimens on site, it is considered that most of the trees covered by the Order are situated around the site periphery. There are some trees in the centre of the site which don't appear mature enough to be covered. There are a small number of fruit trees and a moderate group of Sumac specimens growing next to one of the outbuildings, which offer limited visual amenity value and no real natural habitat. The remaining sloping sections of the site are generally laid to lawn, with the exception of the aforementioned trees on the site periphery.
- 8.55 There are a group of Leylandii specimens along the boundary adjacent to the highway (marked G1 in the arboricultural report) which are of moderate condition. These are large and prominent within the street-scene, screening the current site from Quail Gardens. However, these have been inspected and are not considered to be of an age old enough to be included within the current TPO. Having considered the type of species, quality and their relatively close relationship with surrounding properties (in terms of safety), it is not considered that they should be included within a new TPO and their removal can be accepted. The loss of trees would be suitably mitigated through the planting of replacement specimens (of better quality). A substantial amount of planting is also proposed on the section of front boundary on the other side of the new access, which currently consists mainly of low level poor condition self-seeded trees and bramble. This element of the scheme is considered acceptable.
- 8.56 T10-15 are situated along the south western boundary, which are considered to be old enough to fall within the TPO. These trees do show some signs of squirrel damage within the canopy framework structures, but are moderate in size and do contribute visual amenity value to the area. These are proposed to be retained as part of the development, which is considered feasible given that construction is only proposed to take place beyond or at the periphery of the Root Protection Areas (RPAs) of these specimens. Tree protection and ground protection is proposed which would be put in place before any ground works commence,

secured by an appropriately worded condition. The proposed gardens would be of sufficient depth to avoid any significant post development pressure to remove or heavily prune these trees.

- 8.57 Selsdon Woods contains ancient semi-natural woodland. There would be a minimum of 11m distance between the nearest house and the boundary of the ancient woodland (distance varies between 11-13.5m). In terms of the nearest trees within the nature reserve, the public footpath which abuts the rear boundary to the east is some 3m in width, with the first line of trees approximately 1m deeper inward away from the boundary. As these nearest woodland tree stems are generally of small diameter, it is unlikely that the RPAs of these woodland trees extend beyond the site boundary fence line. Notwithstanding this, the land levels immediately adjacent to the site boundary are being retained and the nearest houses are set away from the boundary. This would be likely accommodate any potential lateral root mass (RPAs) that may extend beyond the woodland edge and site boundary and are considered to be a sufficient distance from any proposed construction activities with the exception of proposed soft landscaping. Whilst this is modestly less in terms of the buffer distance recommended by Natural England standing advice (15m), taking into account these factors, including the robust hedgerow planting scheme along the boundary, it is considered that there would not be material harm caused to the trees or designated ancient woodland to justify refusing planning permission.
- 8.58 Inside the rear boundary of the site are currently a small number of self-set trees that offer little other than creating partial screening between the property and the public footpath. G19 is shown to be retained. Taking into account the distance between the woodland edge (outside of the site) to the closest point of proposed built structure, it appears that the 15m buffer zone has been addressed, with the exception of a small number of woodland trees (x3) totalling a reduction of the buffer by approx. 0.3m. Furthermore given the site has historically never been included within the woodland designation, there appears to already be a clear existing boundary break and separation between the woodland and property.
- 8.59 The tree planting proposed within the development would provide a suitable level of planting to mitigate the loss of the trees which are being removed and in many ways offer an opportunity to improve the quality of the specimens on site from a visual amenity and biodiversity perspective.
- 8.60 To conclude, it is considered the scheme is acceptable with respect to arboricultural considerations, subject to appropriate conditions relating to the planting scheme and implementation of tree protection measures.

Biodiversity and Ecology

- 8.61 The site directly borders Selsdon Wood Nature Reserve, a designated Site of Nature Conservation Importance (SNCI). The applicant submitted an Ecological Appraisal with their application, which reviewed the likely impacts of the development on the designated site and potential impacts on protected and priority habitats and species, both on the site and within the SNCI. The survey identified a number of different habitats within the application site but concluded that these are of low ecological importance, originating from domestic garden,

anthropogenic in origin and ubiquitous in the locality. However there are areas of amenity grassland present, which were considered to have the potential to support a reptile population. At the request of the local planning authority a reptile survey was carried out, which found no protected species present on or using the site.

- 8.62 The survey further addressed the two outbuildings on site to be demolished and assessed the likelihood of their supporting a bat population, concluding that Building 1 (the single storey outbuilding in the centre of the site to be demolished) had low potential to support roosting bats. This was due to the presence of a loft void within the building with potential access points including loose slates. Whilst no evidence of bats was found during the survey, its potential for occupation at a later date should not be ruled out. Further information has been provided justifying that whilst it is highly unlikely that bats would be found in the future, a precautionary pre-demolition survey should be carried out as a safeguard. In the unlikely event that a bat roost is found, the applicant states that this would almost certainly be a non-significant day roost of low numbers and could be managed through on site mitigation as part of the development, including the formation of bat boxes on the south eastern aspect of the buildings adjacent to the woods. It is recommended to secure this additional survey by condition, with mitigation to be agreed once the results are known. This is considered to be acceptable.
- 8.63 The survey identified three badger setts within 20m of the site boundary, two of which have been abandoned and one of which is a moderately active subsidiary sett. As this was not a main sett, the survey was extended to 100m from the site boundary to understand how badgers were using the area. The LPA has been provided with a plan showing the potential main sett, which was considered low-moderately active. A number of other setts were found in the wider area but did not show recent signs of activity or had been abandoned. The survey noted that the majority of the entrances face directly away from the site and that if setts require closure within 20m of the site boundary this would be unlikely to have a significant impact on local badger populations due to the high number of setts recorded within 100m of the site boundary and given the site location next to extensive woodland within their likely wider territory. It is therefore considered unlikely that there would be undue harm resulting to badgers as a result of the development. Conditions are recommended to require monitoring and further surveys of the three setts within 20m of the site to detect any badger activity prior to commencement of any site works, alongside due consideration of mitigation required and if appropriate licensing from Natural England.
- 8.64 All other species have been considered, including birds and invertebrates, with the ecological report concluding that it is unlikely that any of these species are dependent upon the application site for maintenance of their populations.
- 8.65 In general terms, the report concludes that there are no significant impediment to the development of the site from an ecological perspective, provided that robust measures are taken to avoid direct and indirect damage to the adjacent Selsdon Wood LNR/SINC. Potential risk of damage can be avoided or minimised through careful design to mitigate impacts and the implementation of appropriate ecological mitigation, compensation and enhancement into the development design and landscaping. This could actually improve the biodiversity and

ecological value of the application site. It is proposed to secure this through the production of a Construction Ecological Management Plan, which should cover all mitigation, compensation and enhancement measures from pre-construction, through construction to the post-development management of the ecological features and enhancements. This should include robust boundary treatment with the LNR, wildlife friendly external lighting scheme, wildlife access points, establishment of native shrubbery along the boundaries, bird, bat and invertebrate boxes and consideration of off-site ecological enhancements within the adjacent SINC. This should be secured with the imposition of an appropriately worded pre-commencement condition, to agree the details and definitive locations of habitats to be created.

- 8.66 Taking all matters into account, including views expressed by the local planning authority's independent specialist ecological advice, officers are satisfied that impacts on protected species and habitats will be minimised to an acceptable degree. The Council has certainty of the likely impacts on protected species and sites. With imposition of appropriate conditions, officers are satisfied that the local planning authority has operated in accordance with its statutory duties relating to biodiversity and national and local policy requirements.

Flood Risk

- 8.67 The application itself lies within a surface water critical drainage area. Whilst the site does not fall within a surface water flood risk area, the road immediately outside the site does, so effective runoff management is a key consideration. During the course of the application the applicant has submitted further drainage details alongside their Flood Risk Assessment, to overcome concerns initially raised by the Lead Local Flood Authority. These matters have now been resolved and the LLFA has now confirmed acceptance subject to the imposition of and compliance with planning conditions. The proposals are now acceptable in relation to flood risk, with an appropriately worded condition to obtain the detailed design information.

Sustainability

- 8.68 Policy seeks high standards of design and construction in terms of sustainability, and sets out local and national CO2 reduction targets. An energy strategy has been provided, showing that whilst the minimum 35% on-site CO2 reductions beyond Part L of 2013 Building Regulations can be achieved (meeting local policy requirements) through on-site energy efficiency measures and renewable technologies. However, Zero Carbon cannot be achieved on site. The remaining shortfall will therefore be offset through a cash-in-lieu contribution, secured through the Section 106 agreement. Conditions are recommended to require the development to be constructed in accordance with the Energy Strategy and demonstrate the CO2 and water use targets have been met following construction. Officers are satisfied with this approach.

Other Planning Matters

- 8.69 The site falls within an Archaeological Priority Area. Historic England have assessed the application and consider there is no requirement for further

archaeological works and the risk to archaeological assets is low. The impact is considered to be acceptable.

- 8.70 Representations have raised concern regarding the impact on the local infrastructure of 15 additional homes in the area. The location is considered to be sustainable for additional development within an established residential area served by a bus route providing links to the town centre and Selsdon District Centre, and close to open spaces. In the context of the wider area, it is not considered the addition of 15 homes to the area would be significant in terms of the impact on local infrastructure. In addition, the development would be CIL liable, which would contribute to meeting the need for physical and social infrastructure, including education and healthcare facilities; although elements of the scheme will be exempt from CIL (in view of the level of affordable housing being delivered).
- 8.71 An employment and training strategy and contribution would be secured through a legal agreement to ensure the employment of local residents during construction.

Conclusions

- 8.72 The planning policy landscape which informs the future development of this site has changed markedly since the 2008 appeal decision, which was strongly informed by the terms of the previous S.52 Agreement. This report has outlined these changes in circumstances and whilst it is recognised that the previous S.52 Agreement remains in place and still represents an important material consideration (to be weighed in the balance), however with the changing policy landscape, officers feel that the finely balanced range of issues now weighs in favour of this proposal. The scheme will provide much needed affordable family accommodation (some being delivered as affordable rent) and the development would satisfactorily mitigate the harm cause to the current open character, protected trees and the relationship with the neighbouring buffer strip and Selsdon Woods; with due consideration afforded to the need to enhance biodiversity.
- 8.73 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted subject to a legal agreement for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.