

**1.0 APPLICATION DETAILS**

Ref: 21/04358/FUL  
 Location: 98 Higher Drive, Purley CR8 2HL  
 Ward: Kenley  
 Description: Demolition of existing house and erection of a 3-4 storey block comprising 9 flats with 9 car parking spaces and associated landscaping  
 Drawing Nos: PL-001-00; 099-14; 100-14; 101-14; 102-14; 103-13; 104-13; 200-12; 201-12; 202-12; 201-12; 202-12; 203-12; 300-12; 400-12; 600-12; 601-12; 602-12.  
 Agent: Paul Lewis, Altham Lewis Architects  
 Applicant: Lee Clemson, Mantle Developments UK Ltd  
 Case Officer: Yvette Ralston

	<b>1 bed</b>	<b>2 beds</b>	<b>3 bed</b>	<b>TOTAL</b>
<b>Existing</b>	0	0	1	1
<b>Proposed</b> (all market housing)	0	2 (2x2b4p)	7 (3x3b5p)	9

<b>Number of car parking spaces</b>	<b>Number of cycle parking spaces</b>
9	19 long stay + 2 short stay

1.1 This application is being reported to Planning Committee in accordance with the following committee consideration criteria:

- Objections above the threshold in the Committee Consideration Criteria
- Referral to committee from Cllr Ola Kolade.

**2.0 RECOMMENDATION**

2.1 That the Planning Committee resolve to GRANT planning permission subject to the completion of a legal agreement to secure the following:

- A financial contribution of £13,500 for sustainable transport improvements and enhancements.

2.2 That the Director of Planning and Strategic Transport has 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. Commencement time limit of 3 years
2. Development to be carried out in accordance with the approved drawings and reports

### Pre-commencement / prior to above ground works conditions

3. Submission of Construction Logistics Plan
4. Submission of materials / design details
5. Submission of landscaping, child play and communal amenity space details including 9 new trees, details of boundary treatments, and the path to the cycle store.
6. Submission of SUDS details

### Pre-occupation / compliance conditions

7. Obscuring of ground floor side facing windows
8. Compliance with Arboricultural Assessment and Tree Protection Plan
9. Compliance with Ecological Appraisal recommendations
10. Submission of details of refuse and cycle storage
11. Provision of car parking as shown on plans, with no boundary treatments above 0.6m in the sightlines.
12. Installation of EVCPs at 20% active and 80% passive
13. Development in accordance with accessible homes requirements
14. Compliance with energy and water efficiency requirements
15. Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport

## INFORMATIVES

1. Granted subject to a Section 106 Agreement
2. Community Infrastructure Levy
3. Code of practice for Construction Sites
4. Highways informative in relation to s278 and s38 works required
5. Compliance with Building/Fire Regulations
6. Construction Logistics Informative (in relation to condition 3)
7. Refuse and cycle storage Informative (in relation to condition 10)
8. Any other informative(s) considered necessary by the Director of Planning and Strategic Transport

## **3.0 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

3.1 The applicant seeks full planning permission for the following:

- Demolition of the existing detached dwelling
- Erection of a block of 9 flats which appears as 3 storeys from the front and 4 storeys from the rear, with a pitched roof.
- 9 car parking spaces on the front forecourt
- Communal amenity space, play space and hard and soft landscaping across the site.

3.2 During the assessment of the application, a parking stress survey was submitted. Amended plans were also received showing an enlarged internal lift, to accommodate cycles for an additional step-free route to the cycle store. Re-consultation was not necessary.

### **Site and Surroundings**

3.3 The application site is located on the western side of Higher Drive on a wide plot which is currently occupied by a two storey detached house in red brick, with a single storey side/rear extension. The site slopes downwards fairly steeply from the front to the back with an approximately 5m change in levels. The site adjoins properties at 27-28 Highland Road to the rear. There are no land use designations on the site. Kenley Recreation Ground on the opposite side of Higher Drive is undesignated open space.

3.4 The property is currently gated, with an existing vehicle crossover adjacent to number 96B and the forecourt is part tarmacked and part landscaped. Trees are present on the boundaries of the site at the sides and rear but none are protected by Tree Preservation Orders (TPOs).

3.5 The wider area is residential and suburban in nature comprising detached properties of various sizes, styles and characters. The site has a Public Transport Accessibility Level (PTAL) of 1b which is extremely poor. The site is classified as being at very low risk of surface water flooding.



*Aerial view of site*

## **Planning History**

- 3.6 86/00019/P: Erection of single storey rear extension – permission granted 02.01.1986
- 3.7 Pre-application advice given before submission of the current scheme:
- 20/05421/PRE: Demolition of existing dwelling and construction of a 3 and 1/2-storey building comprising 9 flats with the provision of 11 car parking spaces.
  - 20/03682/PRE: Demolition of existing dwelling and construction of a 4-storey building comprising 16 flats with 16 off-street parking spaces
  - 20/02302/PRE: Demolition of the existing detached dwelling and replacement with 26 apartments

## **4.0 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- The principle of the intensified residential development is acceptable given the residential character of the surrounding area.
- The design and appearance of the development responds successfully to the character of the surrounding area.
- The proposal includes a mix of different sizes of units including 77.8% 3-bed units. All units would provide a good quality of accommodation for future residents.
- The living conditions of adjoining occupiers would be protected from undue harm.
- The quantity of parking provision and impact upon highway safety and efficiency would be acceptable.

## **5.0 CONSULTATIONS**

- 5.1 Discussion with internal consultees within the Planning Service including Spatial Planning (Design), Highways and Ecology has taken place and is referred to within the report as appropriate.

## **6.0 LOCAL REPRESENTATION**

- 6.1 The application was publicised by 6 letters of notification to neighbouring properties. The number of representations received in response to the public consultation are as follows.
- 6.2 No of individual responses: 36; Objecting: 34; Supporting: 2
- 6.3 The following objections 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.

<b>Objection</b>	<b>Officer comment</b>
<b><i>Character, massing and design</i></b>	
Too big, overbearing, visually dominating, incongruous	Addressed in paragraphs 8.5-8.13 of this report
Overdevelopment	
Out of keeping with neighbouring properties	
The existing building is below street level and the parking area would require a new raised mass at the front which would be out of sync with the neighbouring properties which would be inappropriate.	This is necessary to achieve inclusive access. Addressed in para 8.10 of this report.
45 degree line not shown in elevation	This is shown on page 43 of the DAS
Angles from 28 highland road to the proposal should be provided	This is shown on page 35 of the DAS
<b><i>Site layout and landscape points</i></b>	
Inadequate information about retaining walls. Unclear if impacts on retaining wall adjoining 96B have been considered. The existing retaining wall can be extended in length but not height.	The retaining wall adjacent to number 96B would need to be extended. This can be dealt with in a Party Wall agreement.
Corner of the development near 96 appears to be 1m lower than existing ground level. Are these levels compatible with the garden levels of no.96?	Excavation at the rear is up to c. 0.75m adjoining the proposed building, with no level change to the rest of the garden. There is a gap of 5m+ to the boundary with number 96B so impacts would be minimal.
The landscaping document shows that 29 Highland Road shares part of a boundary which is incorrect	This has been amended in the updated plans.
Play space is not shown	Play space is shown on all plans within the rear garden. Details would be required by condition.
<b><i>Impacts on neighbouring amenity</i></b>	
Overlooking to neighbouring properties	Addressed in paragraphs 8.22-8.29 and 8.30-8.34 of this report
Impacts on privacy, outlook, daylight and sunlight to bungalows on Highland Road (particularly numbers 27-28) due to the slope of the land	
Object to any pruning of trees at the rear as they protect against noise and light pollution to 27-28 Highland Road	
45 degree line from 96B and Highland Road is breached. No daylight and sunlight assessment is provided (as suggested in the pre-app responses)	

and the mass of the building could impact on sunlight	
Building would be higher than 96B so would potentially allow overlooking to the rear garden	
Side windows should be obscured including roof, especially as cil on top floor is 1m	
<b><i>Transport and highways impacts</i></b>	
PTAL low so inappropriate location for those without a car	Addressed in paragraphs 8.39-8.49 of this report
Cycling and walking on the hills is difficult	
Will increase traffic, pollution, noise, parking on street	
Cumulative parking impacts from other developments on the road. More on street parking is happening on surrounding roads	
The TA is incorrect as it refers to speed cushions but there are none on Higher Drive	It is agreed that there are no speed cushions on Higher Drive.
Parking for visitors, deliveries, service vehicles etc not considered	Addressed in paragraphs 8.39-8.49 of this report
A parking stress survey must be undertaken and should be done during the day	A parking stress survey has been undertaken.
The site is on a bend and a blind spot. Exiting Highland Road is already dangerous	The appropriate vehicle and pedestrian sightlines are achieved.
There is a care home neighbouring the site that also requires many staff and visitors (traffic impacts).	There is a care home at 92 Higher Drive. Cars do not tend to park on the street on Higher Drive as it is a main road.
TfL have not confirmed whether there is adequate funding for the bus route.	Noted. It is not known when the new bus route may be introduced by TfL.
<b><i>Flooding impacts</i></b>	
Sewer flooding will be exacerbated. The sewer passes below 27 Highland Road and has overflowed	Sewers are managed by Thames Water. The applicant would be required to get the relevant permits, authorities, etc from Thames Water prior to commencing work. This is required as part of a standard informative on any planning permission.
No SUDS report so it is difficult to see where the soakaway can be located	
Soakaway could impact properties on Highland Road	
Flood risk mitigation measures have not been outlined	
General queries regarding the developers obligations to liaise with	

Thames Water as part of the application procedure	Addressed in para 8.51 of this report. Full SUDS details would be required by condition.
<b>Impacts on trees</b>	
Loss of trees	Addressed in paragraphs 8.30-8.34 of this report. There is a net increase in trees proposed, T10 and T1 would be retained.
Encroachment onto RPAs of trees of 100 Higher Drive. T10 is on 100 Higher Drive so cannot be removed as proposed	
Would result in encroachment into the RPA of T1 (large historic sycamore tree) in 96B garden on the boundary. There should be no damage to trees and hedging on the northern border with 96B.	
Some of the trees should be graded A or B, not C	
Not been adequately demonstrated that the proposal would protect existing trees	
<b>Quality of accommodation</b>	
It has not been demonstrated that the units will receive adequate light and unit 3 falls below the space standards	Addressed in paras 8-14 – 8.15 of this report. All units would meet space and light standards.
<b>Other matters</b>	
Discrepancy between topography report/tree survey/Land Registry re site boundaries	
Too much development on Higher Drive (85 units to replace 8 houses).	Schemes are assessed on their own merits and the council has housing targets to meet.
Construction impacts. No Construction Logistics Document has been provided or details on groundworks and excavation required	A CLP would be required by condition.
Impacts on infrastructure	A CIL contribution towards local infrastructure would be provided.

6.4 Cllr Ola Kolade has objected to the application on the following grounds and referred it to committee:

- Layout, height, width, scale, design and extent of hardstanding results in overdevelopment that would appear visually dominant, dominant, visually intrusive and incongruous to the character of the area and streetscene.
- Cumulative parking impacts on Higher Drive in this low PTAL area raises safety concerns for residents and road users
- Lack of parking, lack of consideration of Kenly Transport Study, detrimental impacts on highway safety

- Impacts on trees, hedges, vegetation and wildlife
- Impacts on local infrastructure e.g. schools, GPs parking, drainage.

## **7.0 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 London Plan (2021), the Croydon Local Plan (2018) and the South London Waste Plan (2012).
- 7.2 Government Guidance is contained in the National Planning Policy Framework (NPPF) (2021). 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.
- 7.3 The main planning Policies relevant in the assessment of this application are:

### London Plan (2021):

- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D12 Fire Safety
- H1 Increasing housing supply
- H2 Small sites
- H10 Housing size mix
- S4 Play and informal recreation
- G5 Urban Greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- S11 Improving air quality
- S12 Minimising greenhouse gas emissions
- S13 Energy infrastructure
- S112 Flood risk management
- S113 Sustainable drainage
- T4 Assessing and mitigating transport impacts
- T5 cycling
- T6 car parking
- T6.1 Residential parking
- T7 Deliveries, servicing and construction

### Croydon Local Plan (2018):

- SP2 Homes
- DM1 Housing choice for sustainable communities



- SP4 Urban Design and Local Character
- DM10 Design and character
- DM13 Refuse and recycling
- SP6 Environment and Climate Change
- DM23 Development and construction
- DM25 Sustainable drainage systems and reducing floor risk
- DM27 Protecting and Enhancing our Biodiversity
- DM28 Trees
- SP8 Transport and communications
- DM29 Promoting sustainable travel and reducing congestion
- DM30 Car and cycle parking in new development

#### Supplementary Planning Documents/Guidance

- Croydon Suburban Design Guide SPD (2019)
- Section 106 Planning Obligations in Croydon and their relationship to the Community Infrastructure Levy (2019)
- London Housing SPG (Mayor of London, 2016)
- Accessible London: Achieving an Inclusive Environment SPG (Mayor of London, 2014)
- Play and Informal Recreation SPG (Mayor of London, 2012)
- Character and Context SPG (Mayor of London, 2014)
- Sustainable Design and Construction SPG (Mayor of London, 2014)

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

8.1 The main planning issues relevant in the assessment of this application are as follows:

- Principle of development
- Design and impact on the character of the area
- Quality of accommodation
- Impact on neighbouring residential amenity
- Trees and landscaping
- Biodiversity
- Access, parking and highways impacts
- Flood risk and energy efficiency

### **Principle of Development**

8.2 The existing use of the site is residential and as such the principle of redeveloping the site for residential purposes is acceptable. Policy SP2.1 of the Croydon Local Plan (2018) applies a presumption in favour of development of new homes and Policy SP2.2 states that the Council will seek to deliver 32,890 homes between 2016 and 2036, with 10,060 of said homes being delivered across the borough on windfall sites. London Plan policy D3 encourages incremental densification to achieve a change in densities in the most appropriate way and policy H3 seeks to significantly increase the contribution of small sites to meeting London's

housing needs. Given the above, the principle of intensifying the residential use of the site to provide a total of 9 units is acceptable.

### **Housing Mix and Tenure**

- 8.3 Local Plan Policies SP2.7 and DM1.1 set a strategic target for 30% of all new homes over the plan period to have 3 or more bedrooms in order to ensure that the borough's need for family sized units is met, and DM1.2 seeks to avoid a net loss of 3-bed family-sized homes. The proposal is for 7 x 3b5p units and 2 x 2b4p units, which comprises 77.8% 3-beds, satisfying this policy requirement
- 8.4 The proposed scheme on the site for 9 units would not trigger affordable housing contributions in line with policy SP2 or London Plan policy H4 or H5.

### **Design and impact on the character of the area**

- 8.5 The existing building on the site is a suburban 2 storey detached property in red brick with a pitched brown roof. It has a single storey side/rear extension. There is no in principle objection to the demolition of the property. Properties on this side of Higher Drive are generally set below pavement level. The front forecourt slopes down from the pavement level to the property. There are examples of smaller and larger properties in the immediate vicinity with varying degrees of separation between them but the area is generally verdant with a sense of spaciousness.
- 8.6 Policies SP4.1 and DM10.1 of the Local Plan state 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. Proposals should respect the development pattern, layout and siting; the scale, height, massing, and density; and the appearance, existing materials and built and natural features of the surrounding area. London Plan policy D3 states that a design-led approach should be pursued and that proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness.
- 8.7 The proposal is for a block of 9 flats spread across 4 storeys (lower ground, ground, first and roof).
- 8.8 The site slopes steeply downwards from the front to the rear. The pavement level is approximately 5m higher than the end of the garden and the entrance of the existing house is approximately 3.3m below the level of the pavement. Currently the front forecourt slopes downwards to the front entrance of the property. However in order to ensure level access to the front of the proposed flatted block, and to avoid the need for an over-engineered undercroft car parking arrangement, the proposal is to raise the level of the front forecourt by up to 2.4m so that it slopes gently downwards from the pavement to the front entrance at ground floor level at a gradient of 1:18.5. This would result in a relatively flat front garden, with a path to the entrance, and car parking space within the front garden. The landscaping at the current and adjacent sites is currently characterised in part by retaining walls, and there are existing retaining walls at the sides of the site which would be extended vertically accordingly. On the

northern boundary there is an existing hedge and ivy screen of 1.6-2.2m high (behind the garage of no.96B), and the proposal would be set 5.9m away from the boundary and screened from the street, resulting in no visual harm from the increased retaining walls. On the southern boundary, there is an existing row of carports/garages which would be replaced by a retaining wall of similar (or lower) height, again resulting in no visual harm. The proposal would utilise the existing lower land level at the rear to accommodate the lower ground floor of the building, meaning that excavation at the rear would be minimal.

- 8.9 The slope of the land and the proposed front garden alterations mean that the proposed building appears as 2 storeys plus roof from the front and 3 storeys plus roof from the rear. The height is appropriate within this context where the majority of properties, including both neighbours, are 2 storeys. The ridge height would be approximately 3m higher than number 96B and 2.7m higher than number 100; approximately one storey taller than the neighbours as supported by the Croydon Suburban Design Guide. There would be an additional lower ground storey visible from the rear, working with the existing sloped topography which follows the guidance in the Suburban Design Guide. The eaves height would drop down on both sides to respond to neighbouring properties. There is no breach of 45 degree lines in elevation.



*Proposed Street scene*

- 8.10 The application site is wider than neighbouring sites. The proposal is for a building of 23.7m in width, which is less wide than the existing property on the site (28m in total including the single storey side projections). The width of the plot enables generous separation distances at the boundaries to be retained (5.4m to 5.9m on the right hand side and 3.9m to 4.7m on the left hand side). This wide separation distance at the boundaries is positive as 1) it ensures the 45 degree lines drawn from the closest ground floor windows of neighbouring properties are not breached; 2) it maintains the openness and sense of spaciousness which is characteristic of the area; and 3) it enables the built footprint to respect tree roots of trees on the boundaries. The building is considered to be well-positioned on the site with sufficient space to maintain the verdant feel of the area.
- 8.11 In responding to the width of the plot, the frontage of the proposed building would be successfully broken up into 2 distinct parts, with a staggered front building line which responds to neighbouring properties. The 2 halves of the building would be joined by a lowered link element in the middle. This approach helps to break up the massing and means that the scale of the proposed building does not appear out of place in the streetscene. Front facing gables are proposed to respond to the predominant roof style in the vicinity.

- 8.12 In terms of site layout, 9 car parking spaces are proposed in the centre of the large front forecourt. The crossover would be relocated to the centre of the site from its current position on the north side next to number 96B. Car parking would be screened from the road with hedging / trees, and there is space for a sufficient amount of landscaping at the front. A pedestrian route is demarcated on the forecourt, and there is a separate pedestrian / bike route from the pavement to the cycle store which is proposed internally on the left hand side of the building. Hardstanding is proposed to be permeable. A large area of communal amenity space and play space is proposed at the rear, with access internally via the building core at lower ground floor level. The bin store is proposed internally within the building at the front of the site.
- 8.13 The proposed materials are red brick on the right hand side and white brick on the left hand side. Roof tiles would be red/brown. There is a clear rationale to the materiality and the approach is supported. The proposed fenestration, which includes arched lintels at first floor level, is contextually appropriate, and deep window reveals are shown on the plans. Brick detailing has also been considered including projecting soldier courses above ground floor windows. Materiality and detailing has been well considered, and final details will be secured by condition, along with details of guttering and downpipes etc.



*Computer Generated Image of proposed development*

- 8.14 The proposal is considered to comply with policies SP4.1 and DM10 and London Plan policy D3 as it is of an appropriate height and mass and a high design quality which responds appropriately to its context and contributes positively to the streetscene.

### **Quality of Accommodation**

#### Internal

- 8.15 London Plan 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. All proposed units would exceed the space standards and provide a good quality of accommodation. Circulation space and adequate storage space is provided for each unit, and layouts are acceptable.
- 8.16 There are 2 single aspect west facing units (units 4 and 7 at ground and first floor) which have their outlook only towards the rear. These units are not deep and all habitable rooms, i.e. living rooms and bedrooms, are positioned on the rear so these habitable spaces would receive good levels of light, facing west with long reaching views, providing a high standard of amenity. At lower ground floor level, units 1 and 2 are dual aspect as they have side and rear facing windows. Unit 2 has a utility room at the front which only has a small lightwell but this is a non-habitable space so no concerns are raised. An internal daylight and sunlight assessment has been submitted, testing the internal average daylight factor (ADF) of each habitable room within the proposed development. All rooms would meet and exceed the target daylight factor and comply with BRE guidelines.
- 8.17 Side facing windows at ground floor level would be obscured by condition. These windows serve non-habitable spaces (bathrooms or secondary kitchen windows) so could be obscured without affecting the quality of accommodation. Windows at lower ground level would not need to be obscured, those at first floor are high level and positioned in the roof so do not need to be obscured, and those at roof level also do not need to be obscured.
- 8.18 Accessibility requirements have been considered in accordance with London Plan Policy D7. A lift is proposed within the block to provide step free access to the front door of each unit. Unit 1 (3b5p unit on the lower ground floor) is designated as an M4(3) wheelchair accessible unit. Level access would be provided from the pavement to the front entrance via the raised front forecourt, and step-free access is proposed to the rear garden and play space, bin and bike store. Wider car parking bays are also provided on site.

#### External

- 8.19 Policy DM10.4 of the Local Plan requires provision of high quality private amenity space at a minimum of 5sqm per 1-2 person unit and an extra 1sqm per extra occupant thereafter. The lower ground floor units have private terraces at ground level at the rear. Detail of the boundary treatment between the lower ground floor private amenity spaces and the communal amenity space will be required by condition (hedging / planting is shown on plan but more detail is required). Upper floor units have rear facing balconies which are enclosed at the sides. The depth and size of these spaces all comply with the space requirements.
- 8.20 Policy DM10.5 requires provision of communal outdoor amenity space that is designed to be flexible, multifunctional, accessible and inclusive, and policy DM10.4d requires provision of children's play space in all new flatted developments. A communal garden of 515sqm is proposed at the rear, with play space identified on plan. All of the homes would have views of the rear garden.

Although the overall topography is steep, the rear part of garden is relatively flat and step free access would be provided (with a path gradient of 1:20) from the rear of the building to the play space. Details of the children's play space, use of the amenity space, and wider landscaping proposal will be required by condition.

### Fire

- 8.21 A Fire Statement has been provided in line with London Plan policy D12. This outlines that access for a fire appliance would be via the front forecourt; escape would be via the front or the back; Fire Regulations would be complied with in terms of fire alarms etc; risk of fire spread would be minimised by using appropriate fire doors, smoke ventilations etc; and a fire strategy would be periodically updated.
- 8.22 Overall, the proposal is considered to provide a good quality of accommodation for future occupiers in accordance with Local Plan Policies SP2 and DM10 and London Plan policies D6, D7 and D12.

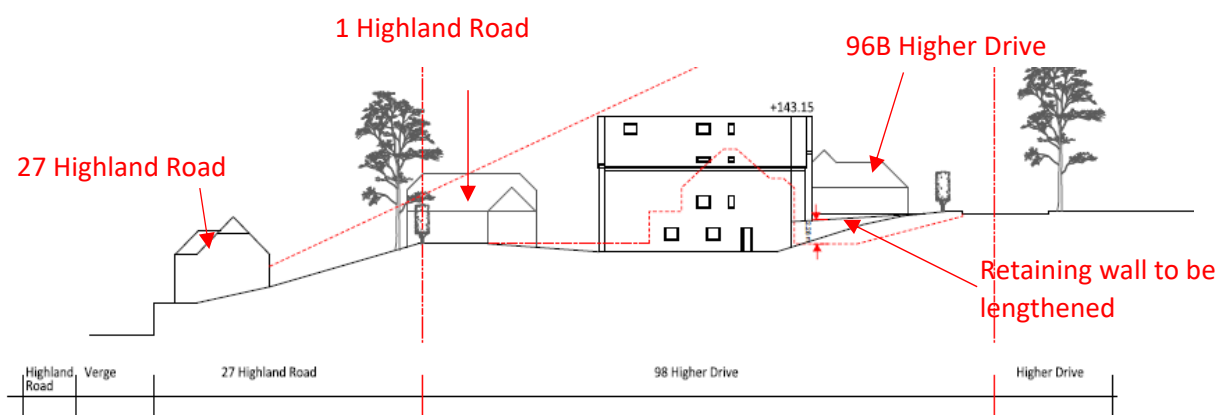
### **Impacts on neighbouring residential amenity**

- 8.23 Policy DM10.6 of the Local Plan 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. The nearest residential properties are 96B Higher Drive to the north, 100 Higher Drive to the south and 27-28 Highland Road to the west (rear).
- 8.24 There is no breach of the 45 degree lines from the closest ground floor windows of the neighbouring properties in plan or elevation.
- 8.25 Number 96B (to the north) was granted planning permission in 2004 (ref. 04/02116/P) and built around 2005. It is set forward within its plot and has side windows facing the site. These including 2 x first floor windows (both serving bathrooms) and 1 x ground floor window (which is the second window to a dual aspect dining room) and 1 x ground floor side door and window (servicing a utility room/cloakroom).
- 8.26 The proposed building would be set back from the boundary, similar to the existing arrangement, which would limit its impact on these windows, although in any case those windows are not protected by planning policy as they are either secondary or serve non-habitable rooms. The forecourt would be raised in front of these windows of number 96B, but there is an existing retaining wall and hedge in this location so the impact on these windows would not cause significant harm compared to the existing situation. The retaining wall would need to be lengthened, with details to be secured within the landscaping plan condition. A new tree would also be positioned in this location to provide screening between the car parking area and the windows of 96B.
- 8.27 The 45 degree line drawn from number 96B shows interaction with the lower ground floor patio space to unit 2, however this area is below ground level and is open space so would not have any impact on outlook from number 96B. As there

is no breach of the 45 degree line in plan, this indicates that the mass of the building would not be overbearing to number 96B or number 100 and there is no requirement for a daylight and sunlight assessment to assess impacts on neighbouring properties.

8.28 Number 100 does not have any side windows facing the site. As noted above, the proposed development would fall outside the 45 degree lines measured from the centre of the nearest windows rear elevation, and although not required by the Suburban Design Guide, in this case the same test would also be complied with for the nearest front elevation window.

8.29 Separation distances at the side boundaries of the site are generous as mentioned above, and side facing windows at ground floor level would be obscured to avoid overlooking. Those at first floor would be high level bathroom/kitchen windows only and positioned within the roof, and those at second floor/roof level would be skylights, so these side windows do not raise overlooking concerns and would not need to be obscured. It would be possible to gain views from rear facing windows into neighbouring gardens from rear facing windows but views would not be orientated towards the first 10m of neighbouring gardens so no conflict with Local Plan policy DM10.6c is raised in this regard.



*Impacts on 96B Higher Drive and 27 Highland Road.*

8.30 Impacts on other surrounding properties have also been assessed.

8.31 Numbers 27 and 28 Highland Road are located to the rear of the site at a lower land level. The diagram above shows that a 25 degree line drawn from the top of the rear window of number 27 would not be breached by the proposed building. This suggests that the mass of the proposed block would not have detrimental daylight impacts on numbers 27 or 28 Highland Road. There is a minimal amount of change proposed to land levels at the rear and there is relatively dense tree coverage at the rear of the garden separating the 2 properties which is proposed to be retained. The separation distance between the rear elevation of the proposed block of flats and the rear of numbers 27 and 28 Highland Road would be 32m, which is well in excess of the 18-21m guidance in the London Plan Housing SPG. There is not considered to be detrimental amenity impacts on these properties.

- 8.32 Number 1 Highland Road is also visible (in the background) on the above diagram (screened behind trees). It is located beyond the northwest corner of the site, and would be in excess of 25m away from the proposed building. No harmful amenity impacts on this property are identified.
- 8.33 Overall, the proposed mass of the block is not considered to have an overbearing impact on neighbouring properties on either side or to the rear. No detrimental impacts on daylight to neighbouring properties identified. Obscuring of the appropriate windows (ground floor only) by condition would mitigate any potential overlooking and privacy concerns. The retention of boundary trees is also useful in mitigating amenity impacts. The proposal complies with Local Plan policy DM10.6.

### **Trees and landscaping**

- 8.34 Policy DM10.8 seeks to retain existing trees and vegetation and policy DM28 requires proposals to incorporate hard and soft landscaping. An Arboricultural report has been submitted assessing impacts on trees on and adjacent to the site. None of the trees on or adjacent to the site are protected by TPO. There is a TPO tree on the corner of Higher Drive and Highland Road in the front garden of 96 Higher Drive (TPO 33, 1991) but this is some distance away from the site.
- 8.35 There are 7 trees and 1 group on the site, plus 3 on the boundaries which are located within neighbouring properties (T10 and T11 within 100 Higher Drive and T1 within 96B Higher Drive). The proposal would result in the removal of 1 small birch tree on the site (T4 – category C ornamental tree). Replacement planting of 9 new trees is proposed as mitigation so the removal of this tree is acceptable in principle and the scheme would result in an overall net increase in the number of trees on the site.
- 8.36 The proposal would result in encroachment into the Root Protection Areas (RPAs) of neighbouring trees, notably a 14% incursion into T10 which is a large Sycamore tree in the rear garden of 100 Higher Drive with a large RPA. A 5% incursion into the RPA of T11 (also within the rear garden of 100 Higher Drive) is also proposed. The Arb report outlines that T10 has a vigorous growing condition and with an initial manual dig and root protection exercise, the proposed encroachment is not considered to impose lasting adverse effects upon this tree, nor on T11. No dig zones are proposed on the northern and southern boundaries of the site to protect the roots of boundary trees. Trees on the rear boundary are not proposed to be impacted and a Construction Exclusion Zone is shown on the Tree Protection Plan. The proposed retention of these boundary trees helps to provide additional screening between the site and neighbouring properties.
- 8.37 The proposed landscaping comprises areas of amenity grass, semi-natural grassland, new trees plus areas of hedging/shrubs alongside paths. Seating is proposed in the rear communal garden as well as play space. An Urban Greening Factor calculation has been provided demonstrating that the proposal would achieve a score of 0.78 which would exceed the requirements of London Plan policy G5 (with an indicative target of 0.3). Permeable paving is proposed for



paths and hardstanding across the site. Further landscaping details including details of species, density etc of planting will be required by condition.

- 8.38 The proposal is considered, subject to conditions, to comply with Local Plan policy DM10.8 and DM28 and London Plan policy G5.

## **Ecology**

- 8.39 Local Plan policy DM27 and London Plan policy G6 seek to protect and enhance biodiversity and outline that proposals should aim to secure net biodiversity gain. A Preliminary Ecological Appraisal (PEA) and Bat Survey Report has been submitted. The PEA and Phase 1 Habitat Survey identified only habitats of low ecological value on the site. There was no evidence of breeding birds, but appropriate potential habitats for birds were identified as well as vegetative features suitable for foraging bats. A yew tree on the south west corner of the site (T4) was identified as having low potential to support roosting bats but this tree is proposed to be retained and is within the Construction Exclusion Zone referred to above. No evidence of badgers, newts, reptiles or hedgehogs were found but there were some appropriate habitats for these species so precautionary recommendations are proposed.
- 8.40 The property on the site was identified as having moderate suitability to support roosting bats so 2 x Bat Emergence Surveys were carried out, one at dusk in August 2021 and one at dawn in September 2021. No bats were recorded emerging from the building and bat activity within the application site was low with very limited commuting and no foraging.
- 8.41 Recommendations are proposed including undertaking works outside of bird breeding season, bat sensitive lighting, and precautions for foraging badgers, reptiles and hedgehogs. An integrated bat box is recommended within the Bat Emergence Survey.
- 8.42 London Plan policy G6 states that development proposal should aim to secure net biodiversity gain. The Council's Ecological advisor has acknowledged that proposal would provide a genuine biodiversity gain and are supportive of the scheme subject to a condition requiring conformity with the biodiversity enhancements / mitigation provided within the ecological appraisal. The proposal is considered to comply with Local Plan policy DM27 and London Plan policy G6.

## **Access, Parking and Highway Safety**

### Access arrangements

- 8.43 The site has a Public Transport Accessibility Level (PTAL) of 0 which indicates extremely poor access to public transport. The site is approximately 650m from the nearest bus stop on Old Lodge Lane (Route 455 to central Croydon), which falls just outside the PTAL calculation 640m walking distance such that no.96 has a PTAL of 1A. It is approximately 18 minutes' walk from Kenley and Reedham stations, albeit with steep topography, and although these are further than the PTAL calculation's 960m distances, it would be possible for some journeys (for example, regular commutes) to be made using these stations.

- 8.44 There is an existing vehicle crossover on the north side of the site, adjacent to number 96B with a vehicle gate and a driveway that slopes steeply down towards the house. The proposal is to reposition the crossover so that it is in the centre of the site. As previously discussed, the forecourt would be raised so that level access is provided from the pavement to the front door (1:18.5 gradient). The vehicle access point would be 5m wide. The proposed width and location of crossover complies with highways guidance and would be agreed as part of a S278 agreement. Vehicle and pedestrian sightlines are shown on the site plan to the required standards. A condition will be attached to ensure that planting etc in the sightlines remains below 0.6m in height. It is not considered that the proposed development would impact upon highway safety.
- 8.45 The trip generation assessment within the Transport Statement indicates that the proposed 9 units would generate up to 1 delivery/servicing vehicle visit per day as a maximum. There would be space on the front forecourt for delivery vehicles etc. or they could stop on the road outside.
- 8.46 A 1.2m wide pedestrian path would be delineated alongside the vehicle access. In addition, a separate pedestrian path to the bicycle store is proposed on the south side of the site. This would take residents from pavement level to the Lower Ground Floor level and would have a gradient of 1:6 which is steep. There is however, alternative access via the front door/lift (with an enlarged lift to fit a bike) if residents prefer not to walk their bikes down the path. Details of this path would be required as part of the landscaping condition.

#### Car parking

- 8.47 London Plan policy T6.1 would permit up to 1.5 spaces per unit which equates to a maximum of 13.5 spaces. 9 spaces are proposed on site which is 1 per unit.
- 8.48 A parking stress survey has been undertaken in accordance with the Lambeth methodology. 2 parking beat counts were carried out overnight (when residents' parking demands are greatest) on 02/02/22 and 03/02/22 at approximately 1:30am. The survey area comprised Higher Drive and parts of Highland Avenue within 200m of the site. There are no parking restrictions on the local roads but cars do not tend to park on Higher Drive because it is a main road. Parking stress was found to be 12% which is low.
- 8.49 Several developments have been granted planning permission on Higher Drive recently, and the transport survey accounted for all approved developments within 200m of the site, approved within the last 5 years:
- 78 Higher Drive 19/01837/FUL
  - Highland Road 19/03074/FUL
  - 90A Higher Drive 19/04119/FUL
  - 81 Higher Drive 18/03241/FUL
- 8.50 Whilst it is acknowledged that the car parking provision is below the maximum that would be permitted under London Plan policy T6.1, there is no justification for a higher provision of car parking given the low parking stress in the vicinity. It

is not sustainable to over-provide car parking spaces and will not support the shift towards greener modes of travel or encourage reduced car ownership.

- 8.51 The tracking diagrams within the Transport Statement confirm that manoeuvring into and out of the parking spaces can be achieved safely. Spaces 6 and 7 closest to the front door are labelled 'universal access' and these would be suitable for wheelchair users. An electric vehicle charging point is also shown on the plans and a condition would be attached to ensure that 20% active and 80% passive charging points are provided in line with policy DM30 and London Plan policy T6.1.
- 8.52 A financial contribution of £13,500 would be secured via S106 agreement to contribute towards sustainable transport initiatives in the local area in line with Local Plan policies SP8.12 and SP8.13. A condition would also be attached to require submission of a Construction Logistics Plan (CLP) and a condition survey of the surrounding footways and carriageway prior to commencement of works on site.

#### Cycle parking

- 8.53 Policy DM30 and London Plan policy T5 would require provision of a total of 18 cycle parking spaces for residents plus 2 visitor spaces. The cycle store is at lower ground floor level, accessed via the path on the south side of the building (or internally via the lift). There is space for 19 bicycles proposed in the cycle store and 2 spaces externally for visitors. The size of the store is sufficient and final details of cycle parking, including types of stands, layouts etc would be required by condition.

#### Waste / Recycling Facilities

- 8.54 Policy DM13 requires the design of refuse and recycling facilities to be treated as an integral element of the overall design. The refuse store is located at ground floor level with access via a separate door on the front of the building. The drag distance to the highway for operatives would be 15m which complies with guidance. The bins are proposed to be 2 x 1100L Eurobins and 2 x 240L wheelie bins which is acceptable.

### **Flood Risk and Energy Efficiency**

#### Flood risk

- 8.55 The site is within flood zone 1 and at very low risk of surface water flooding. The proposal includes the use of permeable paving for all hard surfaces, green landscaping, rainwater butts plus a soakaway in the rear garden. Full surface water drainage details will be required by condition in accordance with Local Plan policy DM25 and London Plan policy SI13.

#### Energy efficiency

- 8.56 In order to ensure that the proposed development is constructed to high standards of sustainable design in accordance with Local Plan policy SP6, a condition would be attached requiring the proposed development to both achieve

the national technical standard for energy efficiency in new homes (2015) which requires a minimum of 19% CO2 reduction beyond the Building Regulations Part L (2013), and meet a minimum water efficiency standard of 110 litres/person/day as set out in Building Regulations Part G.

### **Conclusion**

- 8.57 The provision of 9 new residential units in this location is acceptable in principle. The site is wide and the proposed mass and positioning of the building is acceptable. The design is considered to have been well thought through and to represent a positive contribution to the streetscene. Access arrangements, notably the proposed raising of the front forecourt, is appropriate to achieve inclusive access. The quality of accommodation is acceptable. The provision of 1:1 car parking is acceptable given the need to encourage sustainable transport. Impacts on trees and ecology are acceptable. Landscaping and SUDS details will be required by condition.
- 8.58 All material considerations have been taken into account, including responses to the public consultation. Taking into account 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 policy terms.

### Other matters

- 8.59 The development would be liable for a charge under the Community Infrastructure Levy (CIL).
- 8.60 All other planning considerations including equalities have been taken into account.