

PART 5: Planning Applications for Decision

Item 5.1

1 SUMMARY OF APPLICATION DETAILS

Ref: 17/03010/FUL
 Location: Land between 137-181 Church Road, Upper Norwood, SE19 2PR
 Ward: Upper Norwood
 Description: Erection of part single/two storey building comprising 2x2 bedroom flats, provision of associated cycle and refuse storage and landscaping
 Drawing Nos: 434.100.RSM.01 Rev B, 434.100.RSM.02 Rev C, 434.100.RSM.03 Rev A, 434.100.RSM.07 Rev C, 434.200.RSM.02 Rev A, 434.200.RSM.01, 434.100.RSM.06 Rev A, 434.1250.RSM.01
 Applicant: Mr Khan
 Agent: Skyline Design Ltd
 Case Officer: Katy Marks

	1 bed	2 bed	3 bed	4 bed
Flats	0	2	0	0
Totals	0	2	0	0

Type of floorspace	Amount proposed	Amount retained	Amount lost
Residential	154.5 Sqm	0 Sqm	0 Sqm

Number of car parking spaces	Number of cycle parking spaces
0	2 internal (for flat 1); 2 external (for flat 2)

1.1 This application is being reported to Planning Sub-Committee because objections above the threshold in the Committee Consideration Criteria have been received.

2 RECOMMENDATION

2.1 That the Planning Sub-Committee resolve to GRANT planning permission subject to:

A. That the Director of Planning and Strategic Transport has delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

- 1) Development in accordance with the submitted plans
- 2) Submission of details of external facing materials, including samples and detailed drawings of design elements (to include large scale details (elevations at 1:20, sections at 1:5 and joinery details at 1:1 as appropriate) required by condition for all architectural elements including eaves and roof junctions, windows (with masonry cills, reveals and surrounds), doors (with reveals and thresholds) and porches)
- 3) Submission of details of hard and soft landscaping
- 4) Tree Protection Plan

- 5) Submission of Landscape Management Plan
- 6) Submission of details of boundary treatment
- 7) Submission of details of cycle and refuse store
- 8) Restriction on erection of boundary walls, fences or railings within the site other than those shown on the plans
- 9) 19% reduction in carbon emissions
- 10) Water usage restricted to 110 litres per person per day
- 11) No windows to be installed at first floor to south-eastern flank elevations
- 12) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport

Informatives

- 1) Site notice removal
- 2) CIL liability
- 3) Any other informative(s) considered necessary by the Director of Planning and Strategic Transport

3 PROPOSAL AND LOCATION DETAILS

Proposal

3.1 The proposal involves:

- Erection of a part single storey, part two storey building comprising 2 flats
- provision of associated cycle and refuse storage
- landscaping
- The development would be car free

3.2 The proposed building would sit to the northern end of the site and has been designed in a traditional style to reflect the Georgian architectural appearance of the nearby building at 135 Church Road, situated on the opposite side of Fox Hill. The proposed building would have a simple design, with a hipped roof and white rendered façade. A large, centrally positioned bay window would project at ground floor (fronting onto Church Road) and there would be a further single storey extension to the south western elevation.

3.3 The proposed building would provide 2x2 bedroom (3 person) flats, each having use of a private garden. The ground floor flat (Flat 1) would be accessed directly off Fox Hill and would have access to the rear garden via the proposed kitchen/living room. The first floor flat (Flat 2) would be accessed from a front door to the side of the property (closest to boundary with the neighbours on Braybrooke Gardens) and would have access (via a side passageway) to the rear garden.

3.4 Each flat would have cycle storage for 2 bicycles. A shared bin store would be located the side of the front garden on Fox Hill.

3.5 Two trees would be removed to facilitate the development and two other poor quality trees within the remaining part of the site would also be felled. New railings would be installed along the entire Church Road and Fox Hill boundaries. The remainder of the site would be maintained and managed by the applicant as a 'park' area. Nine new trees are proposed along the Church Road boundary together with a landscaped area to the side of the proposed building.

3.6 A previous application for two houses on the site was refused last year. The differences between the two applications is as follows:

- Only one building is proposed
- The majority of the existing trees on the site would be retained and additional tree planting is proposed
- The proposed building is of a slightly reduced footprint and simpler design
- The proposed building would be accommodated as flats rather than a single dwelling
- The scheme would be car free

3.7 Since submission the application amendments have been made as follows:

- Parking spaces to the southern end of the site have been removed
- First floor windows on the south eastern elevation have been replaced with false 'blank' windows to reduce any sense of overlooking to neighbouring properties on Braybrooke Gardens
- The ground floor layout has been amended to provide a better internal and access layout to allow direct access to each private garden within the site
- The site layout has been amended, involving a reduction in the number of trees to be removed (14 down to 4) with improved landscaping and boundary treatment)

Site and Surroundings

3.8 The application site is located to the eastern side of Church Road close adjacent the junction with Fox Hill and comprises an undeveloped plot of land which is currently overgrown and unused. The site has a number of mature and young trees, several of which appear to be self-seeded.

3.9 The site is bounded to the south east by mid-20th Century properties (fronting onto Braybrooke Gardens) which back onto the site at a 45° angle (with a south westerly outlook). To the south, the site is bounded by 181-191 Church Road which is a large detached property facing onto Church Road. To the north, 135 Church Road is located on the opposite corner of Fox Hill and Church Road. Opposite the site (on the other side of Church Road) is 112-116 Church Road. Beyond these buildings is Westow Park and its listed boundary walls.

3.10 The site is located within the Church Road Conservation Area. The neighbouring properties 112-116, 135 and 181-191 Church Road are all locally listed. A number of trees on the site are protected under a Tree Preservation Order and the rest of the trees are protected by virtue of the site's location within the conservation area.

Planning History

3.11 The following planning decisions are relevant to the application:

- 15/05351/PRE: Pre-application submission for 8 properties
- 16/05737/FUL: Application refused for erection of 1 three bedroom and 1 four bedroom detached houses and alterations to vehicular access and erection of detached garages. The application was refused for the following reasons:

- The proposal, by reasons of quantum, layout and design would result in unacceptable loss of trees and open space which would be out of keeping with the character and appearance of the area and would not respect, preserve or enhance the conservation area
- The proposal, by reason of layout and design, would not respect or enhance the character and appearance of the conservation area and would not remain subordinate to the surrounding locally listed buildings
- The development would be detrimental to the residential amenities of the occupiers of neighbouring properties by reason of visual intrusion and loss of outlook

4 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 4.1 The redevelopment of the site for residential flats is acceptable in principle. The quantum and layout would respect the character and appearance of the conservation area and the setting of the surrounding locally listed buildings.
- 4.2 The majority of existing trees would be retained and several new trees would be planted together with additional landscaping to the site. The proposal would preserve the woodland character of the site and the design of the proposed building would preserve and enhance the conservation area.
- 4.3 The design, scale and massing would not harm the living conditions of the neighbouring residents. The position of the proposed building would result in an acceptable relationship with these neighbours and would not result in loss of light or loss of privacy to the nearest neighbour at 1, Braybrooke Gardens.
- 4.4 The proposed flats would provide high quality living accommodation for future occupiers in line with London Plan standards. A car free development would be acceptable given the size of the development and the site's proximity to the Upper Norwood District Centre.

5 CONSULTATION RESPONSE/LOCAL REPRESENTATION

- 5.1 The application has been publicised by way of one or more site notices displayed in the vicinity of the application site. Re-consultation was also undertaken by way of site notices on the receipt of amended drawings. 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: 28 Objecting: 18 Supporting: 9

- 5.2 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
<i>Principle</i>	
Piecemeal application would compromise the use of the overall site and cause harm to the conservation area	A simple boundary treatment is proposed to the whole boundary of the site, with hedging used for internal boundaries for the private gardens. The rest of the site would be landscaped, with additional trees planted along

	<p>the Church Road boundary. It is not considered that the current proposals compromise the future of the site or cause harm to the conservation area.</p> <p>Development on the remaining part of the site would be subject to separate planning assessment and in view of the previous refusal of planning permission, is unlikely to be considered acceptable.</p>
<i>Layout/Design/Scale & Massing</i>	
<p>Detrimental to character of Conservation Area through loss of green space, scale and design</p> <p>The site is too small; development would be overdevelopment</p> <p>Design does not respect the character of Braybrooke Gardens or no.135 Church Road.</p> <p>The layout of the parking and access arrangements would be out of keeping with the character of the area</p>	<p>See paragraphs 7.3- 7.7</p> <p>The site is considered large enough to support two flats whilst retaining a large area of open space</p> <p>Braybrooke Gardens is not located within the conservation area. The design is considered to respect the character of the adjacent properties on Church Road as set out in paragraphs 7.6-7.7</p> <p>Amendments have removed the parking and improved the proposed layout and landscaping</p>
<i>Amenity of neighbours</i>	
<p>Loss of daylight to neighbours</p> <p>Loss of privacy and overlooking to neighbours and their gardens</p> <p>Loss of view as rear patio would be obscured</p> <p>Visually overbearing to neighbours</p> <p>Spaces between and around buildings and amenity of neighbours should be respected</p>	<p>See paragraph 7.12</p> <p>See paragraph 7.11</p> <p>Loss of views are not a material planning matter.</p> <p>See paragraph 7.14</p> <p>The building would be positioned away from the neighbouring boundary. The majority of the site would be left undeveloped.</p>
<i>Residential amenity of future residents</i>	
<p>No access through site to the garden and accessibility for occupiers</p>	<p>This has been addressed through amendments which allow direct access for occupiers to each garden within the site.</p>
<i>Highways and Transport</i>	

Extra traffic generation, impact on road capacity and parking	The proposals are small in scale and are not considered to result in significant increase in parking, traffic or congestion.
Insufficient parking	See paragraph 7.16
Impact of lack of access through the site for occupiers to car parking and gardens would result in conflict with pedestrians	This has been addressed through amendments which have improved the site layout and removed the parking area.
Vehicle access would result in loss of an on street parking space	This has been addressed through amendments which have removed the parking area.
<i>Trees</i>	
Loss of existing trees which are mostly in good condition. Loss of trees would harm the established wildlife.	Only 4 trees are proposed to be felled as part of this application. Nine new Grade A trees are proposed as part of the proposed landscaping scheme.
<i>Other</i>	
Security issues from development and cutting of trees	The proposals would result in more natural surveillance of the site. New boundary treatment and tree planting is proposed. It is not considered that the development would result in security issues.
<i>Non-material issues</i>	
Damage from trees planted along the boundary with neighbours or from future tenants	No new trees are proposed along the boundary with neighbours along Braybrooke Gardens.
Construction Noise and proximity of refuse store to the boundary	Construction work is controlled under environmental protection legislation
<i>Procedural issues</i>	
Concern that new plans will be submitted for a second property	A second building is not proposed as part of this application.
Conditions should ensure that no development can take place on the park area	Any further development of the site would require planning permission. Planning permission has been previously refused for a more extensive development of the site.
The plans incorrectly state that they do not affect the neighbouring property	A full assessment has been undertaken to consider the impact upon the neighbours. See paragraphs 7.11-15
The relationship with the neighbouring properties looks inaccurate on the plans	The proposed site plan has been checked against the Council's GIS mapping information and it is considered accurate

5.3 The Crystal Palace Triangle Planning Group raised the following objections to the original plans:

- The site has been open space for 50 years and has only recently been fenced in. Whilst the site might have been built on in the past, it does not pre-determine the

site as suitable for housing. It looks unkempt as the applicant has not maintained the land.

- Parking at one end of the site is odd and incongruous within the street and conservation area and awkward for residents [*Officer note: The parking has been removed*]
- Lack of landscaping details means that the site cannot be considered holistically [*Officer note: Landscaping details have now been provided and full details would be secured by condition*]
- Strict conditions are required regarding materials, landscaping and fencing.
- Tall fencing should not be allowed to protect privacy of occupiers. The site is important within the conservation area and cannot be allowed to be fenced off.
- The development would significantly alter the character and appearance of the Church Road Conservation Area.

5.4 The Norwood Society raised the following objections to the original plans:

- The design of the proposed building is below standard required for a building in the conservation area
- There are problems of access for the occupants of the proposed flat 2 to their garden which is only accessible from Church road. [*Officer note: this has been resolved*]
- The remainder of the site would be retained and managed by the freeholder which would divide the plot into two distinct sites, opening up the possibility of a fresh application to build another house on the remainder of the site.

5.5 The 9 responses in support were received relating to the following:

- The design is in keeping with the conservation area
- It would support the maintenance of the site

6 RELEVANT PLANNING POLICIES AND GUIDANCE

6.1 In determining any planning application, the Council is required to have regard to the provisions of its Development Plan so far as is material to the application and to any other material considerations and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The Council's adopted Development Plan consists of the Consolidated London Plan 2015, the Croydon Local Plan: Strategic Policies 2013 (CLP1), the Croydon Replacement Unitary Development Plan 2006 Saved Policies 2013 (UDP) and the South London Waste Plan 2012.

6.2 Government Guidance is contained in the National Planning Policy Framework (NPPF), issued in March 2012. The NPPF sets out a presumption in favour of sustainable development, requiring that development which accords with an up-to-date local plan should be approved without delay. The NPPF identifies a number of key issues for the delivery of sustainable development, those most relevant to this case are:

- Section 1: Achieving sustainable development
- Section 4: Promoting sustainable transport
- Section 6: Delivering a wide choice of quality homes
- Section 7: Requiring good design

- Section 9: Promoting sustainable transport
- Section 10: Meeting the challenge of climate change, flooding and coastal change

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

6.4 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
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design
- 5.17 Waste capacity
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking
- 7.4 Local character
- 7.6 Architecture
- 7.8 Heritage
- 7.21 Woodlands and trees

6.5 Croydon Local Plan: Strategic Policies 2013 (CLP1):

- SP2 Homes
- SP2.2 Quantity and locations
- SP2.6 Quality and standards
- SP4 Urban Design and Local character
- SP4.1 High quality development
- SP4.11-15 Character, conservation and heritage
- SP6 Environment and climate change
- SP6.1 Environment and climate change
- SP6.2 Energy and carbon dioxide reduction
- SP6.6 Sustainable design and construction
- SP8.3 Making full use of public transport
- SP8.15 Parking

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

- UC3 – Development proposals in conservation areas
- UC9 – Buildings on the local list
- UD1 High quality and sustainable design
- UD2 Layout and siting of new development
- UD3 Scale and design of new buildings
- UD7 Inclusive design
- UD8 Protecting residential amenity
- UD13 Parking design and layout
- UD14 Landscaping
- UD15 Refuse and recycling storage
- EP1 – EP3 Pollution

- T2 Traffic Generation from Development
- T4 Cycling
- T8 & T9 Parking
- T11 Road safety
- H2 Supply of new housing
- UD9 & H10 Residential density

6.7 CLP1.1 & CLP2

6.8 The Partial Review of Croydon Local Plan: Strategic Policies (CLP1.1) and the Croydon Local Plan: Detailed Policies and Proposals (CLP2) were approved by Full Council on 5 December 2016 and submitted to the Planning Inspectorate on behalf of the Secretary of State on 3 February 2017. The examination in public took place between 16th May and 31st May 2017. Main modifications have been received from the Planning Inspector and the Council consulted on these modification during the period 29 August – 10 October 2017.

6.9 According to paragraph 216 of the NPPF, relevant policies in emerging plans may be accorded weight following publication, but with the weight to be given to them is dependent on, among other matters, their stage of preparation. Now that the main modifications to CLP1.1 and CLP2 have been published for consultation, there are certain policies contained within these plans that are not subject to any modifications and significant weight may be afforded to them on the basis that they will be unchanged when CLP1.1 and CLP2 are adopted. However at this stage in the process no policies are considered to outweigh the adopted policies listed here to the extent that they would lead to a different recommendation

6.10 Supplementary Planning Guidance:

- London Housing SPG March 2016

6.11 Church Road Conservation Area Appraisal and Management Plan (CAAMP)

7 MATERIAL PLANNING CONSIDERATIONS

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

1. Principle of Development
2. Townscape and Visual Impact
3. Residential Amenity of Adjoining Occupiers
4. Residential Amenity of Future Occupiers
5. Highways and Transport
6. Trees and Landscaping
7. Sustainability, Flood Risk and Drainage

Principle of Development

7.2 Policies support new housing in existing residential areas and the principle of development was previously considered acceptable on this site. However, the previous application was refused on the basis of excessive quantum of development and the resulting harm to the character and appearance of the conservation area and general local distinctiveness. The current proposals have reduced the quantum of development

and have sought to improve the quality and appearance of the remaining green space on the site and is acceptable in principle, subject to the considerations set out below.

Townscape and Visual Impact

- 7.3 A heritage statement has been submitted as part of the application which suggests that the site formed part of the woodland of the former Norbury Lodge Estate. The site is identified in the Conservation Area Appraisal and Management Plan (CAAMP) as a green space containing mature trees which contrasts with the predominant built form yet contributes to the conservation area due to its green character.
- 7.4 The previous scheme would have resulted in a general erosion of the existing green character of the site and the loss of a significant number of trees. The current proposals limit the development to the northern end of the site and proposes enhanced landscaping to the side of the proposed building and additional tree planting to the remaining part of the site along with enhanced landscape management arrangements.
- 7.5 Amendments have been submitted (in response to comments received) to remove the parking and improve the layout and landscaping for the site. The amendments have reduced the number of trees to be removed (reduced down to 4 trees - 2 due to their poor quality and 2 to allow for the siting of the new building). There would be some clearing of unprotected vegetation to allow for the development but overall and in view of the additional landscaping and tree planting proposed, the development should improve the appearance of the site and retain a high level of tree coverage, reflecting the historic woodland character and maintaining (and arguably enhancing) existing character and appearance.
- 7.6 The new building would have a traditional design, reflecting the form, character and appearance of nearby properties (in particular 133-135 Church Road). The building has been slightly reduced in scale (compared to the previously refused scheme) and would have a much simpler architectural response. Overall, the property would be of an appropriate scale and massing and would not appear overly dominant or out of keeping with the street scene in Church Road or Fox Hill. There are several locally listed and listed buildings within the conservation area and overall, the proposals are not considered to harm the setting of these heritage assets.
- 7.7 Despite the simplicity of the design, traditional features are proposed such as plaster door and window mouldings, stone cills, timber framed sash windows, slate roof tiles and leaded roof above the bay window. The quality of the materials and details is important to ensure that the development is in keeping with other neighbouring properties and heritage assets. Given the traditional design approach, care is required to ensure that the building matches historic examples in the area. The render finish should be smooth to replicate historic examples. It is recommended that detailed drawings of these elements and samples of external materials should be secured by condition.
- 7.8 The properties would be accessed from Fox Hill which would be acceptable, which would allow for refuse and cycle storage to be positioned in a more discreet location; tucked against the boundary with the neighbouring properties fronting onto Braybrooke Gardens.
- 7.9 Each flat would have a private garden and these gardens would have hedges to define their boundaries rather than fencing or other such hard boundary treatment. This would

ensure that the proposed railings which are proposed to surround the entire site would appear as the predominant boundary treatment for the site which would limit any perception of subdivision. The full details of the soft landscaping would be secured by condition. It is also recommended that any further boundary enclosures are suitably controlled (with the need for a separate planning permission).

- 7.10 The layout of the development, design and proposed landscaping is now considered to preserve and enhance the character and appearance of the conservation area.

Residential Amenity of Adjoining Occupiers

- 7.11 1-6 Braybrooke Gardens are located to the south eastern side of the site. The rear elevations of these properties are angled with a south westerly aspect. The proposed building has been positioned to the most northerly part of the site, thus preventing significant loss of outlook from these neighbouring properties. The south eastern elevation of the proposed building would have 'blind windows' at first floor to prevent any sense of overlooking to the garden of the nearest neighbour (1 Braybrooke Gardens). The windows at ground floor would be screened by the proposed boundary treatment.

- 7.12 Given the orientation of the proposed property (to the north-west of the nearest neighbour) officers are satisfied that the scheme would not result in a significant loss of light to the nearest neighbours. Whilst the scheme may partially overshadow the side garden to 1 Braybrooke Gardens during the late afternoon/evening, the side garden is already overshadowed (in view of orientation) and there are sheds or similar structures close to the boundary which limits usability of the space. Overall, it is considered that any overshadowing would be minimal and the development would not result in significant harm this neighbour.

- 7.13 The introduction of two flats on this site would result in activity within the site in close proximity to the neighbours. However, given the scale of the development, it would not result in significant noise or disturbance.

- 7.14 The development is not considered overly large or overbearing and given its position and design, it is not considered that it would result in visual intrusion for the occupiers of neighbouring or nearby properties.

Residential Amenity of Future Occupiers

- 7.15 The flats would all comply with the nationally described space standards for internal floor space requirements with access to private gardens. The room sizes, circulation, and storage would be acceptable and the flats well laid out. Both flats would receive sufficient light and natural ventilation.

Highways and Transport

- 7.16 The site is located within an area with medium to good public transport accessibility (PTAL 3, close to PTAL 4-5). The site is also very well located for all the facilities afforded by Upper Norwood District Centre. Crystal Palace Station is also located less than 1 km away. Given the small scale of the development, the location of the site in close proximity to the District Centre and in walking distance to several bus routes, a car free scheme is considered acceptable.

7.17 Two cycle parking spaces are proposed for each flat. The external spaces would need to be secure and covered. It is recommended that these details are secured by condition. Bin storage has been provided to the Fox Hill frontage of the building and would be screened from view of the street scene.

Trees and Landscaping

7.18 A landscape plan has been submitted as part of the application which proposes retention of the majority of existing trees on the site and replacement trees and landscaping. Whilst the existing trees contribute to the sites overall woodland character, they are mostly of a low quality. The proposed landscaping (including the planting of Grade A trees) would enhance the appearance of the site.

7.19 Only 4 trees are proposed to be removed under this application and the remaining trees on the site are all protected by virtue of their location within a conservation area or TPO. A tree protection plan would also be secured by condition.

7.20 It is also recommended that conditions are secured for the submission of detailed hard and soft landscaping details and a landscape management plan. Overall, the proposed conditions should be sufficient to ensure management of the site to allow the proposed trees to establish themselves.

Sustainability, Flood Risk, Drainage and Air Quality

7.21 Conditions would secure a 19% carbon dioxide emission reduction and a water use target of 110L per head per day thereby meeting sustainability targets.

7.22 The site does not fall within a flood risk area and no mitigation measures are considered necessary.

Conclusions

7.23 The application is recommended for approval subject to conditions.

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