

Part 5: Planning Applications for Decision

Item 5.2

**1 APPLICATION DETAILS**

Ref: 24/00258/FUL  
 Location: 8 Cedar Walk, Kenley, CR8 5JL  
 Ward: Kenley

Description: Demolition of existing garage, formation of vehicular access from Cedar Walk to facilitate the erection of four (4) semi-detached dwellings with associated car parking parking and soft and hard landscaping.

Drawing Nos: ADL-23-708-PL-01; Existing Plans 01; Existing Elevations 02; Existing Elevations 03; ADL-23-708-PL-02-RevA; ADL-23-708-PL-03-RevA; ADL-23-708-PL-04-RevA; ADL-23-708-PL-05-RevA; ADL-23-708-PL-06-RevA; ADL-23-708-PL-07-RevA; ADL-23-708-PL-08-RevA; ADL-23-708-PL-09-RevA; ADL-23-708-PL-10-RevA

Applicant: Mr Rob Anderson, Nordhus Properties  
 Agent: Mr Billy Clements, Clemebil Ltd  
 Case Officer: Thomas Tinel

Housing Mix						
	1 bed (2 person)	2 bed (3 person)	2 bed (4 person)	3 bed (5 person)	4 bed (6 person)	TOTAL
<b>Existing</b>					1	1
<b>Proposed</b> (market housing)				4	1 (retained)	5

	Number of car parking spaces	Number of cycle parking spaces
Policy requirement	8 (maximum)	8 long stay (minimum)
Proposed	8	8 long stay

1.1 This application is being reported to committee because:

- The local ward councillor (Cllr Ola Kolade) made representations in accordance with the Committee Consideration Criteria and requested committee consideration.
- The number of objections received exceeded the threshold required for consideration by the Planning Committee.

**2 RECOMMENDATION**

2.1 That the Committee resolve to GRANT planning permission subject to the completion of a S.106 agreement to secure the following heads of terms:

(a) A financial contribution of £6,000 towards sustainable travel improvements

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

### **Conditions**

- 1) Commencement time limit of 3 years
- 2) Development to be carried out in accordance with the approved drawings

#### Pre-commencement

- 3) Submission of Construction Logistics Plan including grass verge survey
- 4) Submission of full drainage strategy and layout, including details of SUDs measures
- 5) Submission of Archaeology Written Scheme of Investigation
- 6) Submission of Tree protection plan and Arboricultural Construction Method Statement

#### Prior to above ground floor slab level

- 7) Submission of detailed design; including all external facing materials, and cycle store design
- 8) Submission of hard and soft landscaping scheme including tree planting, boundary treatments, maintenance plan
- 9) Biodiversity enhancement strategy
- 10) Details of Lighting Scheme

#### Pre-occupation

- 11) Provision of car parking spaces
- 12) Provision of refuse storage arrangements

#### Compliance

- 13) Compliance with Preliminary Ecology and Roosting Assessments
- 14) Compliance with Fire Safety
- 15) Any other planning condition(s) considered necessary by the Director of Planning and Sustainable Regeneration

### **Informatives**

- 1) Granted subject to a Section 106 Agreement
- 2) Community Infrastructure Levy
- 3) Contact waste team prior to occupation
- 4) Highways informative in relation to S278 and S38 works required
- 5) Boilers
- 6) Construction logistics informative (in relation to condition 3)
- 7) Compliance with Building regulations/Fire regulations
- 8) Any other informative(s) considered necessary by the Director of Planning and Sustainable Regeneration

2.3 That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

- 2.4 That, if by 3 months, the legal agreement has not been completed, the Director of Planning and Sustainable Regeneration is delegated authority to refuse planning permission.

### 3 PROPOSAL AND LOCATION DETAILS

#### Proposal

- 3.1 The proposal is for the demolition of the side garage of the existing house (which is retained), to create access to the rear of the site, and the construction of two pairs of 3-bedroom semi-detached houses (4 units in total), with associated amenity space, landscaping, provision of 8 car parking spaces (6 for the new development and 2 for the retained house), and cycle and refuse storage.
- 3.2 Following the demolition of the side garage of the existing dwelling, 2 car parking spaces are proposed to be re-provided to the front of the site. Vehicular and pedestrian access would be created to the side of the existing dwelling to provide accessed to the proposed houses. Individual refuse stores are proposed for the proposed dwellings, with a communal collection point close to Cedar Walk.



Figure 1: CGI view of the proposed houses

- 3.3 Amended plans and clarification details have been submitted as part of the application process. The resultant changes included an increase in the ridge height by 100mm to increase the floor to ceiling height internally. Further changes included details relating to the refuse storage facilities and visibility splays which were updated following a request from the Local Planning Authorities (LPA) Transport Officer. These changes did not change the nature of the proposal as originally consulted upon and therefore re-consultation was not required.

#### Site and Surroundings

- 3.4 The site comprises a detached house at the end of Cedar Walk on a cul de sac with on-site parking provision sitting on a large plot measuring approximately 0.18ha. The existing property has an internal floor area of 197.4m<sup>2</sup> with a non-original attached

garage to the site. The elevations of the house are formed of first floor hanging tiles and the ground floor band render. The existing dwelling projects across the full width of the plot with a generous garden with trees on the boundaries. The surrounding area is principally residential in character with large detached houses and semi-detached properties with a mix of bungalows and two-storey buildings.

- 3.5 The site has a PTAL rating of 0 (worst) and Cedar Walk is not in a Controlled Parking Zone. The site is not located in a Conservation Area, nor does it contained any statutory listed building. The site falls within Flood Zone 1, however, it is identified as being at risk of surface water flooding 1/30yrs. The site is located within an Archaeology Priority Area.



Figure 2: Existing Location Plan



Figure 3: Proposed Site Plan

## Planning History

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

23/01865/FUL - Subdivision of the site and erection of two detached dwellinghouses with associated parking and landscaping facilitated by the partial demolition of the existing building, formation of access from Cedar Walk.

**Refused** on 10/10/23 on the following grounds:

1) *The proposed development would be harmful to the character and appearance of the area by reason of its poor sitting, and failure to respond to the existing pattern of development resulting in harmful overdevelopment. The proposed development would thereby conflict with Policy D3 of the London Plan (2021), Policies DM10 and SP4.1 of the Croydon Local Plan (2018).*

2) *In the absence of a survey to adequately confirm the presence of endangered bats within the host dwelling to be partially demolished, the local planning authority is unable to adequately assess and determine the impact of the proposed development on the potential protected species on site. As such, the development fails to accord with paragraph 99 of the ODPM Circular 2005, Policy G6 of the London Plan (2021) and Policy DM27 Croydon Local Plan (2018).*

*3) In the absence of an Archaeological Desk-based Assessment, the local planning authority is unable to ensure that the development will not result in any significant impact on heritage assets of archaeological significance. The proposed development therefore fails to accord with Policy HC1 of the London Plan (2021) and Policy DM18 Croydon Local Plan (2018), as well as the provisions of the NPPF 2023.*

22/03040/FUL - Subdivision of the site and erection of four dwellinghouses with associated parking and landscaping facilitated by the partial demolition of the existing building.

**Refused** on 10/11/22 on the following grounds:

*1) The proposed development would be harmful to the character and appearance of the area by reason of its poor sitting, and failure to respond to the existing pattern of development resulting in harmful overdevelopment. The proposed development would thereby conflict with Policy D3 of the London Plan (2021), Policies DM10 and SP4.1 of the Croydon Local Plan (2018).*

*2) The proposed development would provide substandard entrance and exit points and provide no segregated pedestrian access to the site from Cedar Walk, thereby preventing access for all, creating a car dominated development and causing conflict with the adopted highway. As such, the development would therefore conflict with the sustainable goals of the borough and are contrary to Policies T2, T4 and D5 of the London Plan (2021) and Policy DM29 of the Croydon Local Plan (2018).*

*3) In the absence of a emergence bat surveys to adequately confirm the presence of endanger bats within the host dwelling to be partially demolished, the Local planning authority is unable to adequately assess and determine the impact of the proposed development on the potential protected species on site. As such, the development fails to accord with paragraph 99 of the ODPM Circular 2005, Policy G6 of the London Plan (2021) and Policy DM27 Croydon Local Plan (2018).*

The refusal was appealed by the applicant. The appeal (ref APP/L5240/W/23/3320440) was dismissed on 11<sup>th</sup> December 2023 due to insufficient ecology information regarding impacts on protected species. The proposal was however considered acceptable in terms of effect upon the character and appearance of the area and pedestrian safety by the Inspector.

09/00195/P - Alterations and use of garage as habitable room; erection of single storey side and first floor front extensions – refused on 26/03/2009

## 4 SUMMARY OF KEY REASONS FOR RECOMMENDATION

4.1 Approval is recommended for the following reasons:

- The proposed development of 4 new residential units in this residential area is acceptable.
- The proposed footprint and siting would sit comfortably with the existing pattern of development and comply with policy regarding development in the grounds of existing dwellings. The proposed scale and design are appropriate.
- There would be no undue harm to the residential amenities of adjoining occupiers.
- The standard of accommodation for the future occupants would be acceptable and compliant with the London Plan and Nationally Described Spaces Standards.
- Subject to the imposition of conditions and S106 financial obligation, the proposed development would not have an adverse impact on the operation of the highway.
- There would be no undue harm on neighbouring trees.
- Subject to conditions, the proposed would not have an adverse impact on flooding
- Sustainability aspects can be controlled by condition
- Subject to conditions, the proposals would offer sufficient biodiversity enhancement measures and would not have an adverse impact on ecology.

4.2 The following section of this report details the officer's assessment of the application against the material planning considerations and the relevant policies which have contributed to the recommendation that planning permission is granted.

## 5 CONSULTATION RESPONSE

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

## 6 LOCAL REPRESENTATION

6.1 A total of 9 neighbouring properties were notified about the application and invited to comment.

6.2 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: 35      Objecting: 35      Supporting: 0

6.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

<b>Objection</b>	<b>Officer comment</b>
Character and design	
Overdevelopment of the site	Addressed in paragraphs 8.7-8.17
Out of character with the area	
Neighbouring amenity	
Loss of privacy	Addressed in paragraphs 8.24-8.31
Loss of light	

Noise pollution	
<b>Parking and highways</b>	
Insufficient availability of on-street parking spaces in the area	Addressed in paragraphs 8.44-8.48
Increase in car traffic on the street	
Highway safety issues	
Lack of bin storage for the proposed dwellings	Addressed in paragraphs 8.50-8.52
<b>Trees and ecology</b>	
Impact on trees	Addressed in paragraphs 8.32-8.36
Impact on biodiversity and protected species	Addressed in paragraphs 8.37-8.42
<b>Other</b>	
Archaeology issues	Addressed in paragraphs 8.56-8.59
Flood risk	Addressed in paragraphs 8.54-8.55
Lack of public services and infrastructure	The development is liable for Community Infrastructure Levy payment

6.4 Councillor Ola Kolade objected to the proposal, and referred the application to Planning Committee (if the officer's recommendation were to be approval), raising the following concerns:

- Overdevelopment of the site due to its design, size, density, bulk and massing
- Out of character within the context of this suburban cul-de-sac
- Unacceptable impact on amenity of neighbouring properties in terms of overbearing presence and daylight sunlight impacts due to its sitting, depth and proximity to boundaries.
- Concerns in terms of the provision safe and adequate access points.
- Insufficient information on levels, drainage and neighbouring context
- Harmful increase of parking pressure locally caused by the development.

## 7 RELEVANT PLANNING POLICIES AND GUIDANCE

### Development Plan

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

#### London Plan (2021)

- D1 London's form, character and capacity growth
- D3 Optimising site capacity through the design led approach
- D4 Delivering good design
- D5 Inclusive design
- D7 Accessible housing
- D12 Fire safety

- D14 Noise
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- H1 Increasing housing supply
- H2 Small sites
- SI 2 Minimising greenhouse gas emissions
- SI 8 Waste capacity and net waste self-sufficiency
- SI 12 Flood risk management
- SI 13 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
- SP4 Urban Design and Local Character
- SP6 Environment and Climate Change
- DM1 Housing Choice for Sustainable Communities
- DM10 Design and Character
- DM13 Refuse and Recycling
- DM16 Promoting Healthy Communities
- DM19 Promoting and Protecting Healthy Communities
- DM23 Development and Construction
- DM25 Sustainable Drainage Systems and Reducing Flood Risk
- DM27 Biodiversity
- DM28 Trees
- DM29 Promoting Sustainable Travel and Reducing Congestion
- DM30 Car and cycle parking

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

### **Planning Guidance**

#### National Planning Policy Framework (NPPF)

7.3 Government Guidance is contained in the NPPF, updated December 2023, and accompanied by the online Planning Practice Guidance (PPG). The NPPF sets out a presumption in favour of sustainable development, requiring that development which accords with an up-to-date local plan should be approved without delay.

#### SPDs and SPGs



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

- London Housing SPG (March 2016)
- London Mayoral Affordable Housing SPG: Homes for Londoners (August 2017)
- Technical Housing Standards: Nationally Described Space Standard (2015)
- National Design Guide (2021)
- Optimising Site Capacity: A Design-led Approach LPG (2023)
- Housing Design Standards LPG (2023)

## **8 MATERIAL PLANNING CONSIDERATIONS**

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

- A. Principle of development
- B. Design and impact on character of the area
- C. Quality of residential accommodation
- D. Impact on neighbouring residential amenity
- E. Trees, landscaping and biodiversity
- F. Access, parking and highway impacts
- G. Flood risk and energy efficiency
- H. Sustainability
- I. Fire Safety
- J. Conclusions

### **A. Principle of development**

#### New Housing

8.2 The Croydon Local Plan sets out a housing target of 32,890 homes over a 20-year period from 2016-2036. The London Plan sets out a housing target for the borough of 2,079 homes per year. The Croydon Local Plan also sets out a target for development on Windfall sites of 10,060 homes (approximately 503 per year). The London Plan requires 6,410 net completions on small sites (below 0.25 hectares in size) over 10 years, with a small-sites housing target of 641 per year.

8.3 Croydon Local Plan (CLP) Policy SP2 explains that developments should ensure land is used efficiently. London Plan policy H1 states that boroughs should optimise housing delivery, particularly on (but not limited to) sites of PTAL 3-6 or within 800m of a train station or town centre boundary. The application site is in a PTAL 0 location and is approximately 1.4km walk to Kenley train station. On such sites CLP Policy SP2 requires development to ensure land is used efficiently, and LP Policy H2 requires boroughs to pro-actively support well-designed new homes on small sites, to significantly increase the contribution of small sites to meeting London's housing needs; and support small and medium-sized housebuilders.

8.4 The pattern of development in the area comprises several small cul-de-sacs, such that some built form at the rear of the site within a similar cul-de-sac layout would be appropriate as discussed in the Character section below as it would represent an efficient use of land, in accordance with CLP, policy SP2.

### Development in the grounds of an existing dwelling

- 8.5 The development would result in 'backland' development as it relates to development in the grounds of an existing dwelling and CLP Policy DM10.4e is relevant. The policy states that a minimum length of 10m and no less than half or 200sqm (whichever is the smaller) of the existing garden must be retained for the host property after the subdivision of the garden. In this instance, 8 Cedar Walk (the donor house) retains a garden in excess of 200sqm (205sqm) and with a depth of 10.2m. The proposal for development within the rear garden of 8 Cedar Walk would therefore comply with policy DM10.4e of the CLP.

### Unit mix

- 8.6 CLP policy SP2.7 sets a strategic target for 30% of all new homes over the plan period to have 3 or more bedrooms to ensure that the borough's need for family sized units is met. The proposal is for 4 x 3b5p units (2 double bedrooms and 1 single bedroom/study in each unit) which would contribute towards the Council's need for family sized homes and is in accordance with the policy.

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

- 8.7 London Plan Policy H2 requires boroughs to recognise that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites. Policy DM10 of the CLP requires the siting, layout and form of new development to respect the character and appearance of existing areas. Policy DM10 also states that in the case of development within the grounds of an existing building which is retained, the development should be subservient to that building.
- 8.8 Policy SP4.1 of the CLP indicates that the Council will require all new development to contribute to enhancing a sense of place and improving the character of the area. Policies SP4.1 and SP4.2 also require development to be of a high quality which respects and enhances local character. Policies D2, D3, D4 and D5 of the London Plan (2021) are also of relevance

### Site layout and massing

- 8.9 The four proposed houses would be formed as a backland development via the subdivision of a sizable portion of the garden of no.8 and to allow vehicular access, the demolition of the existing flank extensions on the host dwelling. The houses would be arranged as two pairs of semi-detached houses and the development is to be accessed by a single access road 4.25m in width off Cedar Walk. 2 parking spaces would be provided in the front forecourt of the donor house and 6 parking spaces would be formed within a courtyard within the site for the proposed houses.
- 8.10 The area has a leafy suburban residential character, containing typically large dwellings in substantial plots, contrasted with pockets of tighter knit dwellings to the

northwest and south east of the site. There are also examples of back land development locally. The frontages to Cedar Walk are typically open with no boundary features and dwellings are commonly 2 storeys tall. It is further noted that outline planning permission 20/02410/OUT was granted for the construction of a similar development of 4 backland houses to the rear of 10 Cedar Walk, a short distance from this application site. The works to build this development are currently well under way.

- 8.11 This application is a re-submission following the refusal of application 22/03040/FUL, and subsequently dismissed appeal. The previous application proposed the same backland development for 4 semi-detached houses with associated new access. The main difference between that scheme and the current proposal is that the current application no longer proposes the demolition of the side extension of the host building. It is noted that application 22/03040/FUL was refused in terms of design and the impact of the proposed backland development on the character of the local area. In particular, the scale of development, siting of the proposed dwellings was considered to be cramped and out of character development, inappropriate to the area, otherwise defined by broad prevailing linear and cul de sac developments, with good size garden and separation distances between houses.
- 8.12 However, in the subsequent appeal decision APP/L5240/W/23/3320440, the Inspector stated: *“the proposal would positively respond to the evolving pattern of development and varied distinctiveness in the area. Furthermore, the houses would fit comfortably on the plot, sitting in a block parallel with those on Wheat Knoll to the rear, retaining a more open pattern than at No 10.”* and concluded *“Overall, the proposal would respectfully optimise the site in a cohesive way considering other development on the street. Additionally, the design of the dwellings would be appropriate, respecting the scale, height, massing and appearance of the surrounding area [...] Consequently, the proposal would have an acceptable effect on the character and appearance of the area. This would be compliant with Policy D3 of the LP and Policies DM10 and SP4.1 of the CLP.”*
- 8.13 In line with the Inspector’s decision for the same development on the application site, which is a material consideration in the consideration of this current application, the proposal is overall considered to sit comfortably with the site and would respect the scale, massing, appearance and wider character of the surrounding area.
- 8.14 In relation to the size of the existing property, the proposed houses would be two storey properties with low eaves, with a maximum height of 6.75m which would remain lower than the ridge line of 8 Cedar Walk (6.92m). Overall, it is considered that the relationship of the proposed dwellings with the existing is such that the development would accord with the aims of Policy DM10 in that the development would appear as subservient in scale to the existing dwelling.

#### Detailed design

- 8.15 The existing houses on Cedar Walk comprise mainly two storey detached houses featuring hanging tiles at first floor level, with facing brick or rendered ground floors. The design of the proposed houses incorporate front gables, a large crown roof, and ground floor front bay windows. In terms of materials, the houses would be finished with hanging red tiles on the first floor and red brick at ground. The form, appearance and design of the proposed 2 storey semi-detached houses are considered to complement the existing dwellings and local distinctiveness of Cedar Walk. A

condition is recommended to submit details of all external facing materials and detailing to the LPA for approval prior to the commencement of above ground works.

- 8.16 In terms of the wider site layout and landscaping, while the car parking area would be substantial, the site would retain large areas of soft landscaping would break up the massing of buildings on site. When viewing the site from Cedar Walk, there would be a mixture of retained trees, soft landscaping and hardstanding that would preserve the leafy character of the street. A condition is recommended to secure landscaping details including new tree planting.
- 8.17 The proposed houses are of a form and scale which respects the existing pattern of development along Cedar Walk. The design and detailing of the buildings and their landscaped surroundings would make a positive contribution to the character of the area. The proposal is considered to comply with CLP policies SP4 and DM10 and London Plan policy D3.

### C. Quality of residential accommodation

- 8.18 The proposed house is required to be designed in line with the standards set out in the Nationally Described Space Standards (NDSS) and the London Plan Housing SPG, particularly regarding minimum floor space standards (including minimum sizes and widths for rooms/storage). The London Housing SPG requires a minimum of 5sqm of private outdoor space for 1-2 person dwellings, with an extra 1sqm for each additional occupant.
- 8.19 The table below sets out the relevant figures with a comparison to these minimum standards:

	Size (bedroom/person)	GIA (sqm) proposed	Min. GIA (sqm)	Amenity Space (sqm)	Min. Amenity Space (sqm)
Unit 1	3b/5p	96	93	88	8
Unit 2	3b/5p	96	93	48	8
Unit 3	3b/5p	96	93	52	8
Unit 4	3b/5p	96	93	142	8

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

- 8.20 The pairs of semi-detached houses would be of the same design. The ground floor of each house would comprise of a kitchen and a living/dining room as well as a bathroom. At first floor, three double bedrooms are proposed along with a family bathroom and ensuite.
- 8.21 The table demonstrates that all units would meet the nationally described space standards. All units would also have 2.5m internal floor to ceiling height and be dual aspect with adequate windows for ventilation and outlook. The proposed quality of internal accommodation would be high and is acceptable in this regard.
- 8.22 External amenity space would be provided for all units, in excess of the minimum size requirements.

Good design promotes quality of life for the occupants and users of buildings. This includes function, buildings should be easy to use. It also includes comfort, safety and security. Amenity, privacy accessibility and adaptability. The development has

been designed to provide accessible housing. Whilst building regulations are separate to the planning process, the development provides step-free access to the dwellings, and would include a WC at ground floor level. However, the WC at ground floor level cannot accommodate a shower and as such the dwellings would not fully meet the M4(2) ('accessible and adaptable' units) building regulation requirements.

#### D. Impact on neighbouring residential amenity

8.23 Policy D3 of the London Plan states developments should secure safe and inclusive environments, secure outlook, privacy and amenity, provide green space and achieve outdoor /indoor environments that are inviting for people to use. Policy DM10 of the Croydon Local Plan requires the Council to have regard to the privacy and amenity of adjoining occupiers. Policies SP4.1 and SP4.2 seek to respect and enhance character, to create sustainable communities and enhance social cohesion and well-being.

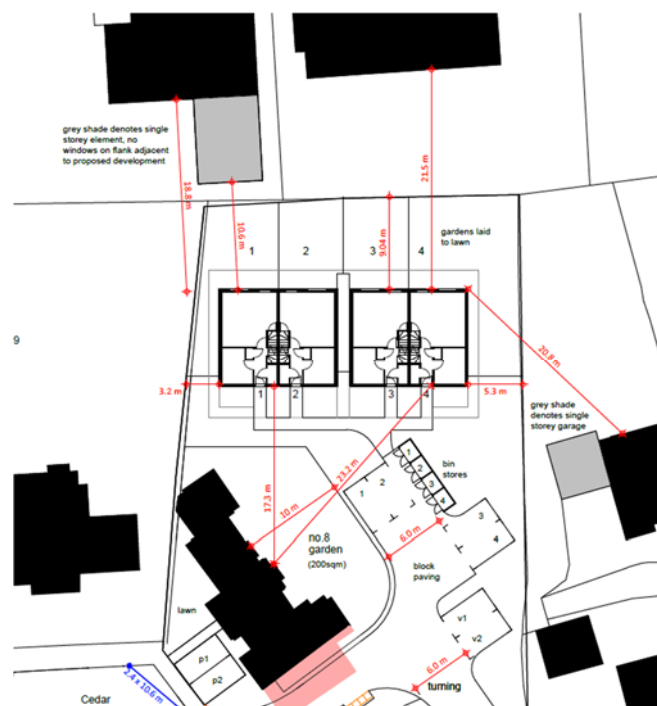


Fig.4: Proposed Site Plan showing distance to neighbouring properties

8.24 With regards to the impact on 8 Cedar Walk, Policy DM10.4 states that in the case of development in the grounds of an existing building which is retained, a minimum length of 10m and no less than half or 200sqm (whichever is the smaller) of the existing garden area is retained for the host property, after the subdivision of the garden. This would be achieved in this case.

8.25 The proposed dwellings would be located between 11 and 24m away from the nearest habitable windows at ground and first floor. In relation to 8 Cedar Walk, these windows appear to serve a living room on the ground floor and a bedroom at first floor level. However, these rooms are dual aspect with large southwest-facing windows facing Cedar Walk, which will provide good outlook and access to light for these rooms. The orientation of the dwellings compared to 8 Cedar Walk also ensure that there would be no direct overlooking between the properties. It is also noted that a similar separation distance was considered acceptable in previous application 22/03040/FUL. While plots 1 and 2 would have views towards the northern end of the

garden of 8 Cedar Walk, the size and arrangement of the retained garden of the donor house would allow the occupants to retain sufficient levels of privacy. Planting could be installed along the boundary between 8 Cedar Walk and the proposed dwelling to reduce views between the properties, these could be secured by condition as part of a detailed landscaping scheme. Overall, the proposed development is not considered to result in a harmful impact on the amenity of the occupants of 8 Cedar Walk in terms of visual impact, privacy or access to light.

- 8.26 Turning to 12 & 13 Wheat Knoll to the rear, the siting of the proposed dwelling would ensure that a separation distance of over 18m would be retained with the rear elevations of these properties, and of approximately 9m with their rear gardens. Officers are aware of strong objections on neighbouring amenity grounds to the development, in particular regarding the impact on these properties. However, considering the separation distance, the orientation of the development and surrounding context, officers are satisfied that the proposed development would not give rise to a harmful impact on the amenity of these properties.
- 8.27 Similarly, the proposed dwellings would be located over 17m away from the rear elevation of 9 Cedar Walk to the west, and the nearest building would be sited 3m away from the boundary with no.9. The proposed development is therefore not considered to result in a harmful impact on the amenity of the occupants of no.9.

#### Other neighbouring properties

- 8.28 Lastly, the proposed dwellings would be located at least 16m away from the rear windows of 9 Lawford Place to the east, at an oblique angle and over 5m from the shared boundary. Considering this separation distance and orientation of the dwellings, the proposed development is not considered to result in a harmful impact on the amenity of the occupants of no.9 Lawford Place
- 8.29 Whilst the proposal would result in an increase in occupants on the site, the proposed development would not result in undue noise, disturbance or smells as a result of the increased number of occupants on the site and relationship with neighbouring properties given the continued residential use of the site. As such, the proposed development is considered acceptable in terms of the neighbouring amenity.
- 8.30 With regard to noise, disturbance, impact on health, conditions would be attached for a Construction Logistics Plan to be submitted (pre-commencement condition) and an informative placed on the decision in respect of the Councils "Code of Practice on the Control of Noise and Pollution from Construction Sites" which should be adhered to in order to minimise disruption and noise.

## **E. Trees, landscaping and biodiversity**

### Trees and landscaping

- 8.31 London Plan policy G7 specifies that wherever possible, existing trees of value should be retained. Similarly, policy DM27 of the CLP requires proposals to incorporate biodiversity on development sites, and policy DM28 specifies that proposals which result in the avoidable loss of retained trees where they contribute to the character of the area will not be acceptable. CLP Policy DM10.8 states that a cohesive approach is taken to the design and management of the landscape to ensure proposal

incorporate hard and soft landscaping and retain and enhance existing trees and natural vegetation.

- 8.32 There are no TPOs (Tree Protection Orders) on the site or designations. However, there are two protected trees in very close proximity to the proposed development: T1 Wellingtonia at 7 Cedar walk is subject to TPO no. 56 2008 and T10 Beech at 9 Lawford Gardens is subject to TPO no. 16, 2009. Both specimens are considered high value trees.
- 8.33 An Arboricultural Impact Assessment was provided by Canopy Consultancy together with a Method Statement and Tree Protection Plan. It is noted that application 22/03040/FUL was considered acceptable in terms of tree impact, however it appears that the council's tree officer had not provided comments for that application prior to its determination.
- 8.34 In line with previous application 23/01865/FUL, considering the high value of T1 to the front, and probability of root disturbance occurring in all phases of development, the proposed use of geo-cellular confinement system is not supported and alternative measures and engineering methods are necessary to ensure that T1 is protected. Similarly, regarding tree T10, concerns are raised regarding the impact of the proposed incursion into the RPA of this tree, and the proposed pruning of this tree. Additional tree protection measures and adequate engineering methods for the construction of Unit 4 are required to ensure T10 is not harmed.
- 8.35 Considering the site's planning history it is considered that the identified harm could be addressed by the provision of additional tree protection measures and a detailed Construction Method Statement to be agreed by the Tree Officer to ensure that the construction of the development would protect T1 and T10. A robust pre-commencement condition is recommended to secure the provision of this information.

### Biodiversity

- 8.36 Policy G6 of the London Plan (2021) states development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process. This is reiterated in Policy DM27 of the CLP (Protecting and enhancing our biodiversity).
- 8.37 The previous applications 22/03040/FUL & 23/01865/FUL were refused due to insufficient ecology information regarding the potential presence of bats on site. This information was specifically required due to the proposed demolition of the single storey side extension to the north west of the existing dwelling and which includes features with roosting potential. This application no longer proposes the demolition of this extension.
- 8.38 The Site Visit and Update PEA (Darwin Ecology, February 2024), Preliminary Ecological Appraisal (Darwin Ecology, February 2022), and Biodiversity Net Gain Assessment (Darwin Ecology, February 2024) submitted by the application have been reviewed by the council's ecology consultant. The submitted information is considered sufficient to assess the likely impacts on designated site, protected and priority species and habitats. The proposed development is considered acceptable subject to the implementation in full of the mitigation measures identified in the Site

Visit and Update PEA (Darwin Ecology, February 2024), Preliminary Ecological Appraisal (Darwin Ecology, February 2022).

- 8.39 As bats are likely to be foraging/commuting in and round the site, it is recommended that details of a lighting scheme are secured by condition.
- 8.40 Despite the sub-division of the rear garden into 5 smaller gardens, it is possible to secure a gain in biodiversity through good quality landscaping and interventions as detailed in the Biodiversity Net Gain Assessment. A condition is proposed to secure detailed biodiversity enhancement measures.
- 8.41 A Landscaping condition is also recommended to provide a detailed Landscaping Plan including full details of boundary treatments, soft and hard landscaping (including permeable materials for areas of hardstanding) and new tree planting.

## **F. Access, parking and highway impacts**

- 8.42 Paragraph 110 of the NPPF (2021) states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy T4(F) of the London Plan states that development proposals should not increase road danger. Policy T5 sets out cycle parking standards and T6 car parking standards for proposed development. Policies SP8.17, DM29 and DM30 of the Croydon Local Plan (2018) provide further guidance with respect to parking within new developments and state that development should not adversely impact upon the safety of the highway network.

### Car parking

- 8.43 The site is located at the end of a cul-de-sac and has an existing crossover onto Cedar Walk to provide on-site parking in the front driveway and garage of the dwelling. The site is not in a Controlled Parking Zone (CPZ). The Public Transport Accessibility Level (PTAL) is 0 which is the worst on a scale of 0-6b.
- 8.44 A total of eight car parking spaces are proposed for the proposed development, with two spaces to be retained for 8 Cedar Walk and 6 spaces shared between the four proposed dwellings. This provision would comply with the maximum parking standards set out in London Plan Policy T6.1.
- 8.45 The proposed two parking spaces for the donor house 8 Cedar Walk would be positioned in the front forecourt of the dwelling, perpendicular to the highway. Regarding the car parking layout for the rear of the site, swept path analysis for an 8m vehicle was provided in the submitted Highway Technical Note and demonstrates that a fire appliance or a box van will be able to enter and exit the site in forward gear with easy manoeuvring using the turning area. The report does not include standard car swept paths however, as detailed in the officer's report for previous application 22/03040/FUL, it is considered the space provided to reverse out of the parking spaces and exit in forward gear would be sufficient, although in regard to spaces 1 and 2, significant turning or reversing would be required.



- 8.46 A financial contribution of £6,000 (4 x £1,500) will 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.

#### Access to site

- 8.47 Access to the development site will be via a new crossover onto Cedar Walk, making use of the removal of the existing garage. The access would measure 4.2m in width, with a shared surface for vehicles and pedestrians. While no segregated pedestrian access is proposed, such arrangement was considered acceptable by the Inspector for the appeal decision APP/L5240/W/23/3320440 considering the site circumstances. Such arrangement would therefore be acceptable in this case. A condition is proposed to secure details of the surfacing materials to ensure visual demarcation in the surfacing of the access road.

#### Cycle parking

- 8.48 Policy DM30 and London Plan Policy T5 would require provision of 2 cycle parking spaces for all 2-bed+ units. This represents a total of 8 spaces for the proposed development. It is proposed that each unit would have an individual cycle store located in their rear gardens, accessed via passages to the side of each dwelling. Details of these cycle stores have not been provided. Therefore, a condition is recommended requiring details of how cycle storage will be provided, including how cycles for families and those with accessibility requirements will be accommodated and to ensure an appropriate appearance.

#### Refuse

- 8.49 DM13 of the Croydon Local Plan states that refuse, and recycling facilities should be integrated into the building envelope or within conversions- if that is not possible, to be located behind the building line or landscape covered facilities where they will not be visually intrusive. The Waste and Recycling in Planning Policy Document August 2015 provides detailed guidance regarding the required provision of refuse storage for residential developments. For new houses, the Policy Documents requires the provision of 2x240-litre bin, 1x180ltr bin and food caddies per flat. A 10sqm area for Bulky waste storage and collection is also required for new residential developments.
- 8.50 Individual bin stores are proposed within individual stores which can accommodate the required 2x240L, 1x180L, food caddy and potential 140L garden waste bin. The stores would be positioned within the parking court area approximately 15-20m away in front of the dwellings. Refuse collections would be undertaken from Cedar Walk as per the existing arrangements, with a refuse truck continuing to stop and turn within the turning head at the end of the cul-de-sac. Bins would be stored in refuse stores on non-collection days, and then moved by residents to a bin collection presentation point on the main access, which has been positioned approximately 20m away from the refuse store area and 20m away from the rear of the refuse truck.
- 8.51 While not ideal, the proposed arrangement for refuse storage and collection is considered acceptable considering the site's constraints, a condition is proposed to secure the detailed design of the refuse stores. Overall, the proposed development is not considered acceptable in terms of refuse storage and is contrary to Policies DM13 and DM29 of the Croydon Local Plan 2018.

## Construction Logistics

- 8.52 Comments have been made regarding the potential disruption of neighbours that will be caused by the construction of the development at the end of a cul-de-sac. A condition is recommended to require the submission of a Construction Logistics Plan (CLP) to minimise the impact of construction on the local area. A condition is also recommended requiring a condition survey of the surrounding carriageway and grass verge, prior to commencement of works on site, and for an informative to be added to the decision bringing the applicants attention to the Council's "Code of Practice on the Control of Noise and Pollution from Construction Sites." This should be endeavoured to be complied with.

## **G. Flood risk and energy efficiency**

- 8.53 Policy SI 12 and Policy SI 13 of the London Plan 2021 seeks that development proposals must comply with the flood risk assessment and management requirements NPPF and utilise sustainable urban drainage systems (SUDS). The London Plan 2021 seeks that current and expected flood risk from all sources should be managed in a sustainable way and that surface water management issues should be identified, and measures implemented to aim to reduce these risks. Policies SP6.4 and DM25 seek to reduce the risk of flooding in the borough and ensure that all developments incorporate sustainable urban drainage systems (SUDS).
- 8.54 The site is located within flood zone 1, however, it is within a critical drainage area and is at risk of surface water flooding. A Flood Risk Assessment and Sustainable Urban Drainage System Strategy has been submitted. This outlines that the proposed SUDS strategy for this site includes rain water harvesting, use of permeable paving and an infiltration soakaway. The proposed approach is acceptable and a detailed SUDS scheme can adequately be secured by condition.

## **H. Archaeology**

- 8.55 Paragraph 194 of the NPPF 2023 states: "Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."
- 8.56 London Plan Policy HC1 states at para D: "Development proposals should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation. Where applicable, development should make provision for the protection of significant archaeological assets and landscapes. The protection of undesignated heritage assets of archaeological interest equivalent to a scheduled monument should be given equivalent weight to designated heritage assets."
- 8.57 Policy DM18.9 of the CLP states in relation to Archaeology: "In consultation with the Greater London Archaeological Advisory Service, or equivalent authority, the Council will require the necessary level of investigation and recording for development proposals that affect, or have the potential to affect Croydon's archaeological heritage. Remains of archaeological importance, whether scheduled or not, should

be protected in situ or, if this is not possible, excavated and removed as directed by the Greater London Archaeological Advisory Service or equivalent authority.”

- 8.58 The site is located in a Tier II Archaeology Priority Area, the area of the medieval settlement of Wattendon. An Archaeological Desk-Based Assessment has been submitted by the application. Historic England were consulted and advise that the development could cause harm to archaeological remains. Historic England confirm that that the proposal can acceptable subject to the provision of a Written Scheme of Investigation being provided prior to any development taking place. A pre-commencement condition is recommended to require the submission of a Written Scheme of Investigation and secure adequate protection and mitigation measures if needed.

### **I. Fire safety**

- 8.59 Policy D12 of the London Plan requires the highest standards of fire safety to be achieved and a fire safety strategy should demonstrate how the policy is met. A Fire Strategy Statement has been submitted as part of this application, providing details of fire safety measures, the proposed escape routes and position of fire appliances on Wyvern Road. This is considered to satisfactorily address fire risk. The proposed development therefore accords with London Plan Policy D12(A).

### **J. Conclusions**

- 8.60 The provision of 4 new dwellings in the Borough is encouraged by the Council’s Local Plan policies, national guidance in the NPPF and regional policies of the London Plan. The proposed new homes would add to the supply of housing in the area, whilst respecting the local character. It would not result in unacceptable impacts in terms of highways, amenity, or environmental impacts, and would result in a sustainable form of development.
- 8.61 Subject to the completion of a legal agreement and the appropriate conditions, the development would be acceptable.
- 8.62 All other relevant policies and considerations, including the statutory duties set out in the Equalities Act 2010, the Human Rights Act, the Planning and Compulsory Purchase Act, and the Town and Country Planning Act, have been taken into account. Given the consistency of the scheme with the Development Plan and weighing this against all other material planning considerations, the proposal is considered to be acceptable in planning terms subject to the detailed recommendation set out in section 2 (RECOMMENDATION).