

**PART 6: Planning Applications for Decision**

**Item 6.3**

**1.0 SUMMARY OF APPLICATION DETAILS**

Ref: 19/02486/FUL  
 Location: 8 Abbots Lane, Kenley, CR8 5JH  
 Ward: Kenley  
 Description: Demolition of a single-family dwelling and erection of one 3 and 4-storey block containing 6 X 2 bedroom apartments and 3 x 3 bedroom houses with associated access, 11 parking spaces, cycle storage and refuse store.  
 Drawing Nos: CX20-S1-101A; CX20-S1-102A; CX20-S1-103A; CX20-S1-104A; CX20-S1-105A; CX20-S1-106A; CX20-S1-107A; CX20-S1-108A; CX20-S1-109A; CX20-S1-110A; CX20-S1-111A; CX20-S1-111(2); CX20-S1-112A; CX20-S1-113A; CX20-S1-114A; CX20-S1-115A; Tree Report / Impact Assessment; SUDS; Flood Report; Energy Report; Landscape Design; M4(2) Statement; External / Internal Sunlight Report; Transport Statement.  
 Applicant: Mr Haris Constanti of Aventier Ltd  
 Case Officer: Nathan Pearce

	<b>1B 2P</b>	<b>2B 3P</b>	<b>2B 4P</b>	<b>3B 4P</b>	<b>4B+</b>	<b>Total</b>
Existing Provision				1		<b>1</b>
Proposed Provision		5	1	3		<b>9</b>

1.1 This application is being reported to Planning Committee because objections above the threshold in the Committee Consideration Criteria have been received and it has been referred by a Ward Councillor (Councillor Steve O'Connell) and by The Kenley & District Residents' Association.

**2.0 RECOMMENDATION**

- 2.1 That the Planning Committee resolve to GRANT planning permission
- 2.2 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 to be carried out in accordance with the approved drawings and reports except where specified by conditions
- 2. Details of facing materials
- 3. Details of car and cycle parking

4. Hard and soft landscaping to be submitted
5. 19% reduction in CO2 Emissions
6. 110l Water Restriction
7. Permeable forecourt material
8. Trees – Details in accordance with tree report
9. Tree Protection Plan
10. Visibility splays
11. Construction Logistics Plan
12. Accessibility
13. Sustainable urban drainage details
14. Windows restrictions
15. Time limit of 3 years
16. Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport

### **Informatives**

- 1) CIL
- 2) Code of practise for Construction Sites
- 3) Any other informative(s) considered necessary by the Director of Planning and Strategic Transport

## **3.0 PROPOSAL AND LOCATION DETAILS**

3.1 The proposal includes the following:

- Demolition of existing detached house
- Erection of a three and four storey split level building including accommodation in roof-space and a short terrace of three houses connected to it.
- Provision of 5 x 2 bedroom flats (3 person), 1 x 2 bedroom (4 person) flats, 3 x 3 bedroom houses.
- Provision of 10 off-street parking spaces including one disabled bay.
- Provision associated refuse/cycle stores.

3.2 Amended plans were received showing an amended parking layout. No re-notification was conducted because the amendments did not lead to a material change in circumstances.

### **Site and Surroundings**

3.3 The application site is a large detached property situated on the north side of Abbots Lane. The topography of the site is a sloping site. The land rises from the lower level on the east side where Abbots Lane is, to a higher level on the west of the site.

3.4 The surrounding area is mainly residential in character. Whilst there is no distinct style in regard to the properties along Abbots Lane, the majority of properties appear to be detached family dwellinghouses. The site has a Public Transport Accessibility Level (PTAL) of 1b.



Fig 1: Aerial street view highlighting the proposed site within the surrounding street-scene

## Planning History

- 3.5 At adjoining dwelling no.10 Abbots Lane: 18/02285/HSE - Demolition of the existing garage. Alterations to land levels at the front and erection of a single storey double garage at lower ground level. Erection of single/two storey side extension to include the enlargement of the existing front balcony. – Approved 01/08/2019.

## 4.0 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposed development would create good quality residential accommodation that would make a positive contribution to the borough's housing stock and would make a small contribution to the Council achieving its housing targets as set out in the London Plan (2016) and Croydon Local Plan (2018). The proposed development would provide an appropriate mix of units including 3x three-bed houses and 1x four-person, two-bed flat.
- The proposed development would be of an appropriate mass, scale, form and design that would be in keeping with its context, thus preserving the appearance of the site and surrounding area.
- The proposed development would not cause unacceptable harm to the amenities of neighbouring residential occupiers.
- The proposed development would not have an adverse impact on the operation of the highway.
- Subject to the imposition of conditions, the proposed development would not cause unacceptable harm to visual amenity of trees.
- Subject to conditions, the proposals would not have an adverse impact on flooding.
- Sustainability aspects can be controlled by conditions.

## 5.0 CONSULTATION RESPONSE

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

## 6.0 LOCAL REPRESENTATION

6.1 The application has been publicised by 11 letters of notification to neighbouring properties in the vicinity of the application site. The number of representations received from neighbours, a Residents' Association, a local ward Councillor and Local MP in response to notification and publicity of the application are as follows:

No of individual responses: 82    Objecting: 80    Supporting: 1  
 Comment: 1

6.2 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 of development</i>	
Overdevelopment and intensification	Addressed in the report at paragraphs 8.2 – 8.6
Loss of family home	Addressed in the report at paragraph 8.2 – 8.6
Poor quality development	Addressed in the report at paragraphs 8.2 – 8.6
<i>Design</i>	
Out of character	Addressed in the report at paragraphs 8.7 – 8.12
Massing too big	Addressed in the report at paragraphs 8.7 – 8.12
Over intensification – Too dense	Addressed in the report at paragraph 8.7 – 8.12
Visual impact on the street scene (Not in keeping)	Addressed in the report at paragraphs 8.7 – 8.12
Accessible provision	Addressed in the report at paragraphs 8.23
Number of storeys	Addressed in the report at paragraphs 8.9
<i>Amenities</i>	
Negative impact on neighbouring amenities	Addressed in the report at paragraphs 8.13 – 8.18
Loss of light	Addressed in the report at paragraphs 8.13 – 8.18
Loss of privacy	Addressed in the report at paragraphs 8.13 – 8.18
Overlooking	Addressed in the report at paragraphs 8.13 – 8.18

Disturbance (noise, light, pollution, smells etc.)	Addressed in the report at paragraphs 8.13 – 8.18
Refuse store	Addressed in the report at paragraphs 8.31
<i>Traffic &amp; Parking</i>	
Negative impact on parking and traffic in the area	Addressed in the report at paragraphs 8.25 – 8.32
Not enough off-street parking	Addressed in the report at paragraphs 8.25 – 8.32
Negative impact on highway safety	Addressed in the report at paragraph 8.25 – 8.32
Refuse and recycling provision	Addressed in the report at paragraph 8.25 – 8.32
<i>Other matters</i>	
Construction disturbance	Addressed in the report at paragraph 8.38
Impact on wildlife	Addressed in the report at paragraphs 8.33 – 8.35
Impact on flooding	Addressed in the report at paragraph 8.37
Local services cannot cope	Addressed in the report at paragraph 8.40
Lack of affordable homes	Addressed in the report at paragraph 8.39
Impact on trees	Addressed in the report at paragraphs 8.33 – 8.35

6.3 Cllr Steve O'Connell (Kenley Ward) has referred the application to committee and raised the following issues:

- Impact on highway safety from additional on street parking and unsafe driveway
- Excess bulk size, density and massing
- Out of character
- Poor design

6.4 The Kenley & District Residents' Association has referred the application to committee and raised the following issues:

- Highway safety impact on Hayes Lane
- Contrary to Croydon's Policy SP8
- Contrary to Mayor of London's Vision Zero Plan
- Poor accessibility by non-car modes of transport
- Contrary to Local Plan policies DM16, DM16.1, DM29, SP8.6 in relation to highways and transport

## **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. Such 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 (February 2018), and the South London Waste Plan 2012.

7.2 Government Guidance is contained in the National Planning Policy Framework (NPPF) revised in February 2019. The NPPF sets out a presumption in favour of sustainable development, requiring that development which accords with an up-to-date local plan should be approved without delay. The NPPF identifies a number of key issues for the delivery of sustainable development, those most relevant to this case are:

- Promoting sustainable transport;
- Delivery of housing
- Promoting social, recreational and cultural facilities and services the community needs
- Requiring good design.

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

### **7.4 Consolidated London Plan 2015**

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.10 Urban greening
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.16 Waste net self sufficiency
- 5.18 Construction, Demolition and excavation waste
- 6.3 Effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road Network Capacity
- 6.13 Parking

- 7.6 Architecture
- 8.3 Community infrastructure levy

#### 7.5 Croydon Local Plan (adopted February 2018)

- SP1 – The places of Croydon
- 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
- DM24 – Land contamination
- DM25 – Sustainable drainage systems and reducing flood risk
- SP7 – Green Grid
- DM27 – Biodiversity
- DM28 – Trees
- SP8 – Transport and Communications
- DM29 – Promoting sustainable travel and reducing congestion
- DM30 – Car and cycle parking in new development
- DM40 – Kenley and Old Coulsdon

#### 7.6 Suburban Design Guide Supplementary Planning Document (SPD) 2019

The SPD is a Housing Design Guide that provides guidance on suburban residential developments and extensions and alterations to existing homes across the borough. The SPD is a design guide for suburban developments likely to occur on windfall sites where existing homes are to be redeveloped to provide for several homes or proposals for building homes in rear gardens.

#### 7.7 Other relevant Supplementary Planning Guidance as follows:

- London Housing SPG, March 2016
- National Technical Housing Standards, 2015
- National Planning Practice Guidance

### **8.0 MATERIAL PLANNING CONSIDERATIONS**

#### 8.1 The principal issues of this particular application relate to:

- The principle of the development;
- Impact of the development on the character and appearance of the area;
- Impact on residential amenities;
- Standard of accommodation;
- Highways impacts;
- Impacts on trees and ecology;
- Sustainability issues; and
- Other matters

### The Principle of Development

- 8.2 Both the London Plan and the NPPF place significant weight on housing delivery and focus on the roles that intensification and small sites in particular can play in resolving the current housing crisis. It is acknowledged that windfall schemes which provide sensitive renewal and intensification of existing residential areas play an important role in meeting the demand for additional housing in Greater London, helping to address overcrowding and affordability issues. Furthermore the Croydon Local Plan 2018 anticipates that roughly a third of housing delivery over the plan period will come from District Centres and windfall sites.
- 8.3 The site is a windfall site which could be suitable for sensitive renewal and intensification.
- 8.4 The existing unit is a 4-bed house and the proposal would provide 3 x 3 bed and 1 x 2 bed (4 person) units which would provide adequate floorspace for families. Policy SP2.7 sets a strategic target of 30% of new homes to be 3-bedroom homes and CLP acknowledges that 2-bed, 4-person homes can be treated as family homes (in line with DM1.1) during the first 3 years of the Plan. The strategic target of 30% family units has been met. The overall mix of accommodation would be acceptable and would result in a net gain in family accommodation.
- 8.5 Representations have raised concern over the intensification of the site and overdevelopment. The site is in a suburban setting with a PTAL rating of 1b and as such, the London Plan indicates that a suitable density level range is between 150-200 habitable rooms per hectare (hr/ha). Whilst the proposal would be in excess of this range (211 hr/ha), it is important to note that the London Plan indicates that it is not appropriate to apply these ranges mechanistically, and also provides sufficient flexibility for higher density schemes (beyond the density range) to be supported where they are acceptable in all other regards. In this instance the proposal is acceptable, respecting the character and appearance of the surrounding area, and does not demonstrate signs of overdevelopment (such as poor quality residential units or unreasonable harm to neighbouring amenity). As such the scheme is supported.

### The effect of the proposal on the character of the area and visual amenities of the streetscene

- 8.6 The existing property is not protected from demolition by existing policies and its demolition is acceptable subject to a suitably designed replacement building coming forward. The proposal seeks to replace it with 9 units within a single building. The scheme has been specifically designed to respond to elements of the existing built form as opposed to a modern block of flats.
- 8.8 The Croydon Local Plan has a presumption in favour of three storey development and the application seeks to provide a three-four storey property providing a high quality built form that respects the land level changes, pattern, layout and siting in accordance with Policy DM10.1.

8.9 The height, scale and massing of the scheme would be acceptable, given that the site works well with the topography and would sit well with the adjoining properties. The taller element of the building is located on the south side, adjacent to no.10, which is at a higher level and also has a forward facing gable and so responds sympathetically to the character of the area.

8.10 Although there will be some retaining walls adjacent to no.10 and at the front, they are necessary to provide light to the side windows of units 4 and 5. They have been minimised and would not impact on the amenity of no.10. The front building line would be staggered and unit 1 on the north side would be forward of the existing building line. This works because Abbots Lane does not have a uniform front building line. The topography of the site slopes up from front to rear, this has led to split level buildings with the front entrance being at lower ground level and the rear entrances at first floor level.



Fig 2: Elevational view highlighting the proposal in relation to neighbouring properties.

8.11 The design of the building would incorporate a traditional styled appearance consisting of gables and bays to the front elevation, maintaining the overall street scene with use of an appropriate materials palette with an adequate balance between brick, render and glazing and appropriate roof proportions. The main front element would present a traditional architectural response, consisting of gabled bays.





Fig 4: CGI of site showing proposal in relation to neighbouring properties

Having considered all of the above, against the backdrop of housing need, officers are of the opinion that the proposed development would comply with the objectives of the above policies and the Suburban Design Guide SPD 2019 in terms of respecting local character.

The effect of the proposal upon the amenities of the occupiers of adjoining properties

8.14 Policy DM10.6 states that the Council will not support development proposals which would have adverse effects on the amenities of adjoining or nearby properties, or have an unacceptable impact on the surrounding area. This can include a loss of privacy, a loss of natural light, a loss of outlook or the creation of a sense of enclosure. The properties with the potential to be most affected are the adjoining properties at 6 and 10 Abbots Lane; 59 Hayes Lane at the rear; and the dwellings opposite on the east side of Abbots Lane.



Fig 5: Proposed side elevations

*10 Abbots Lane*

8.15 This dwelling is to the south and is at a higher level than the proposal site. It has 3 ground floor side windows that are considered to serve non-habitable rooms. There are 2 side facing velux windows within the roof slope. A Vertical Sky Component Analysis under BRE guidelines has concluded that the window receptors meet the minimum requirements set by BRE guidelines. The proposed development would not break 45 degree lines drawn from other habitable room windows. This is considered to be an acceptable relationship.

*6 Abbots Lane*

8.16 This dwelling is to the north and at a lower level than the proposal site. Although the ground floor 'rear extension' of Unit 1 would break a 45 degree line drawn from the ground floor rear window of no.6, it is considered that given the separation distance of 17.5m and the angles that there would not be a significant impact on these dwellings in terms of loss of light, outlook, privacy or sense of overbearing. This is considered to be an acceptable relationship in a suburban setting such as this.

*Dwellings opposite on Abbots Lane and to the rear on Hayes Lane*

8.17 It is considered that given the separation distances that there would not be a significant impact on these dwellings in terms of loss of light, outlook, privacy or sense of overbearing. This is considered to be an acceptable relationship in a suburban setting such as this.

8.18 As regards noise and disturbance, the proposed development would not result in undue noise, light or air pollution as a result of an increased number of occupants on the site. The increased number of units would increase the number of vehicle movements to and from the site, but this would not be significant and would not be overly harmful in terms of pollution generated.

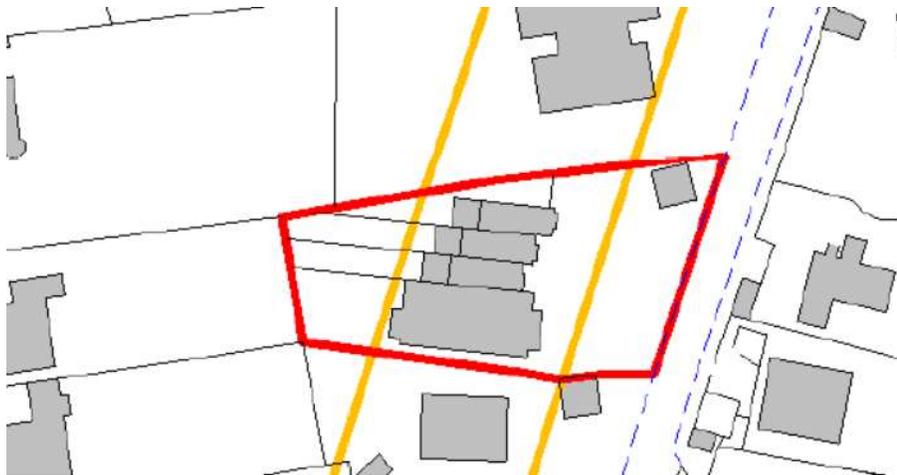


Fig 6: Plan showing relationship to neighbouring properties

The effect of the proposal upon the amenities of future occupiers

- 8.19 An internal daylight study has been submitted which shows that the Average Daylight Factor is acceptable in accordance with BRE guidance and that the proposed development would have acceptable light to all rooms.
- 8.20 The Nationally Described Space Standards (NDSS) provide minimum technical space standards for new dwellings in terms of the gross internal floor areas and storage. All of the proposed units would meet the minimum required gross internal floor area.
- 8.21 The units would have access to private and communal amenity space which meets the required standard.
- 8.22 The local plan also requires all flatted development to provide new child play space as well as the amenity space to be provided. In terms of the child play space, this can be secured through use of planning conditions.
- 8.23 A number of representations have raised the steepness of the access as an issue in terms of safety, however, this is a Building Regulations matter. The parking area has a 1:12 gradient. The ramp has a 1:8 gradient which is the same as existing. The refuse store has been relocated to the lower end of the access ramp so that the refuse bins do not need to travel up the ramp, which would be acceptable for waste collection. Unfortunately, it is not possible to provide M4(2) compliant units as level access is not available to the building and all the communal facilities required to service these. Considering the existing topography of the area, this is considered to be acceptable.
- 8.24 Overall the development is considered to result in a high quality development, including an uplift in family accommodation, and will offer future occupiers a good standard of amenity, including the provision of communal amenity space and child play space, and thus accords with relevant policy.

Traffic and highway safety implications

- 8.25 The Public Transport Accessibility Level (PTAL) rating is 1b which indicates poor accessibility to public transport. The London Plan and Policy DM30 of CLP2018 sets out that maximum car parking standards for residential developments based on public transport accessibility levels and local character. This states that 1-2 bedroom properties should provide a maximum of up to 1 space per unit, with up to 1.5 spaces per unit being provided for 3 bedroom properties. In line with the London Plan, the proposed development could therefore provide up to a maximum of 10.5 spaces. It is important to note however that it is not necessarily desirable to provide car parking up to the maximum standards given the requirements of both the London Plan and Croydon Local Plan which seek to reduce reliance on car usage and promote/prioritise sustainable modes of

transport. As such a lower level of car parking can be supported and is encouraged in line with the ambitions of the Development Plan.

- 8.26 Although no parking survey has been provided, this scheme proposes 10 on-site parking bays with 1 space designated for each unit plus 1 visitor space, and as such accords with the policy requirements for a development of this nature in this location. The proposed car parking provision is considered acceptable when taking into account the site constraints, the need to provide high quality multi-functional spaces whilst preserving the existing trees on-site and ensuring the best use of land.
- 8.27 There are a number of representations that refer to the parking provision, on-street parking and highway safety at the site. In respect to highway safety at the site, the scheme provides 10 off-street parking spaces, 1 for each of the units plus 1 for visitors, and these will need to adhere to the parking visibility splays and parking standards to ensure that safety requirements are adhered to and these have been secured through conditions.
- 8.28 Regarding the highway safety impact on Hayes Lane, the amount of vehicular traffic generated by the development is likely to be minimal with 3 vehicle trips per hour anticipated at peak times and so the impact would be limited. It is recognised that the vehicle and pedestrian infrastructure in the surrounding area is substandard, however as the scheme has one parking space available for each unit the number of pedestrians is likely to be limited and the amount of traffic generated from the development would not lead to a material increase in risk to pedestrian safety.
- 8.29 The parking layout arrangement has been amended and the refuse store has been located closer to the site entrance. An amended swept path plan has been accepted by highways engineers, this will allow for vehicles to enter and exit in first gear and for refuse bins to be close to the highway avoiding the need for the bins to travel up the gradient driveway. Given the gradient of the parking area, a condition has been added requiring scaled drawings detailing the section gradient.
- 8.30 In compliance with the London Plan, electric vehicle charging points should be installed in the parking area and this can be secured by way of a condition. Cycle storage facilities would comply with the London Plan (which would require 18 spaces) as these are located in a secure and covered cycle store within the rear communal amenity space. Vertical cycle parking would not be appropriate. This can be secured by way of a condition.
- 8.31 The refuse arrangements would be acceptable and for a nine units scheme would require 1 x 1100ltr landfill receptacle; 1 x 1280ltr for dry recycling and 1 x 140ltr food recycling, which has been accommodated within the site. The refuse store would be located in front of the building with access to the hardstanding. It can be secured by condition.

8.32 A Demolition/Construction Logistic Plan (including a Construction Management Plan) will be needed before commencement of work and this could be secured through a condition.

#### Impact on trees and wildlife

8.33 The site is bordered by established trees and shrubs adding to the overall amenity value and also providing a good degree of screening. The proposed landscape design protects most of the existing trees and provides a large variety of bushes and hedges. A landscaping and planting plan has been submitted and can be conditioned.

8.34 The works should be undertaken in accordance with the Arboricultural Report and Impact Assessment recommendations and this has been conditioned. It is also recommended that a detailed tree protection plan be submitted for approval. Two category B trees and seven category C trees will be removed. None of the trees to be removed are protected by a tree preservation order or considered worthy of special protection. The site offers ample opportunity for the planting of additional new trees as part of a post development landscaping scheme. No foundations are proposed within the Root Protection Area of any retained tree. Consequently no restrictions on foundation design or implementation are considered necessary from an arboricultural perspective.

8.35 Although no protected species have been observed on site, local representation has raised concern that the development may impact upon local wildlife. A condition has been added requiring the submission of ecological mitigation measures.



Fig 7: Extract from submitted soft landscaping scheme

### Sustainability Issues

- 8.36 Conditions can be attached to ensure that a 19% reduction in CO2 emissions over 2013 Building Regulations is achieved and mains water consumption would meet a target of 110 litres or less per head per day.

### Other Matters

- 8.37 The site is not located in any designated flood risk area. The applicants have submitted a Surface Water and SuDS Assessment which is based on a desktop study of underlying ground conditions. It is likely that infiltration of surface water runoff following redevelopment may be feasible. The parking area will incorporate permeable paving which will provide capacity for surface water runoff from hardstanding areas in up to the 1 in 100 years plus 40% climate change event. This can be secured through a condition.
- 8.38 Representations have raised concern that construction works will be disruptive and large vehicles could cause damage to the highway. Whilst the details submitted to date might well be acceptable, it would be prudent to condition a Construction Logistics Plan to be approved, as appointed contractors may have an alternative approach to construction methods and the condition ensures that the LPA maintains control to ensure the development progresses in an acceptable manner.
- 8.39 Representations have been made in respect to a lack of affordable homes being provided at the site, however the scheme is for nine units and as such is under the threshold where the provision for affordable homes would be required.
- 8.40 Representations have raised concerns that local schools and other services will be unable to cope with additional families moving into the area. The development will be liable for a charge under the Community Infrastructure Levy (CIL). This payment will contribute to delivering infrastructure to support the development of the area, such as local schools.
- 8.41 Following concerns that the grass verge at the front of the site may not be within ownership of no.8 the applicant has provided a Land Registry Site Plan showing that all of the site marked within the red line is within the ownership of no.8. Although the proposal does not include a 1.5m buffer strip for pedestrians adjacent to Abbots Lane, there is an existing pedestrian footpath on the opposite side for pedestrians to use.

### **Conclusions**

- 8.42 The principle of development is acceptable within this area. The design of the scheme is of an acceptable standard given the proposed and conditioned landscape and subject to the provision of suitable conditions the scheme is acceptable in relation to residential amenity, transport, sustainable and ecological matters. Thus the proposal is considered in general accordance with the relevant policies.

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