

**PART 6: Planning Applications for Decision**

**Item 6.1**

**1 APPLICATION DETAILS**

Ref: 23/00454/FUL  
 Location: Hallingwood Bungalow, 46 Quail Gardens. South Croydon CR2 8TF  
 Ward: Selsdon Vale and Forestdale Ward  
 Description: Demolition of existing property and the erection of 7no. dwellings with shared access from Quail Gardens, along with amenity space, drainage, infrastructure and other associated works  
 Drawing Nos: 6873-PL-01, 6873-PL-02 RevB, 6873-PL-03 RevA, 6873-PL-04 RevA  
 Applicant: The Oakwood Group  
 Agent: Matthew Arnold (The Oakwood Group)  
 Case Officer: Christopher Grace

<b>Housing Mix</b>					
	<b>1 bed</b> (2 person)	<b>2 bed</b> (3 person)	<b>2 bed</b> (4 person)	<b>3 bed</b> (6 person)	<b>TOTAL</b>
<b>Existing</b>				1	
<b>Proposed</b> (market housing)				7	
<b>TOTAL</b>				7	7

<b>Vehicle and Cycle Parking (London Plan Standards)</b>	
PTAL: 1b	
<b>Car Parking maximum standard</b>	<b>Proposed</b>
10.5	11
<b>Long Stay Cycle Storage minimum</b>	<b>Proposed</b>
14	16
<b>Short Stay Cycle Storage minimum</b>	<b>Proposed</b>
2	2

1.1 This application is being reported to committee because:

- The ward councillor (Cllr Andy Stranack) made representations in accordance with the Committee Consideration Criteria and requested committee consideration.
- Objections above the threshold in the Committee Consideration Criteria have been received.

**2 RECOMMENDATION**

2.1 That the Committee resolve to GRANT planning permission.

2.2 That the Director of Planning Sustainable Regeneration is delegated authority to issue the planning permission subject to: the prior completion of a legal agreement to secure the following planning obligations:

- a) Sustainable transport contribution of £10,500

- b) Membership of car club for each unit for a minimum period of 3 years
- c) Removal of car parking permits for any future occupier
- d) Monitoring fees associated with the above
- e) Any other planning obligation(s) considered necessary by the Director of Planning and Sustainable Regeneration

- 2.3 That the Director of Planning and Sustainable Regeneration is delegated authority to negotiate the legal agreement indicated above.
- 2.4 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) Carried out in accordance with the approved drawings

#### Pre-commencement

- 3) Submission of Construction Logistics Plan
- 4) Construction of Environmental Management Plan
- 5) Means of protection to neighbouring boundary trees
- 6) Confirmation of datum heights of houses and levels of gradients for servicing and access

#### Prior to above ground floor slab level

- 7) Submission of materials
- 8) Soft landscaping details and planting strategy to private front and rear gardens and communal areas including specification of mature trees to be planted and retained
- 9) Hard landscaping details including parking areas, pavement edges, boundary treatment, retaining walls and lighting (including public route through site)
- 10) Details of refuse and cycle storage enclosures including capacity
- 11) Submission of biodiversity enhancement strategy
- 12) Drainage measures to vehicle access junction with the public highway
- 13) Details of SUD measures to be implemented
- 14) Submission of any external energy generation measures (such as PV panels and/or air source heat pumps)

#### Pre-occupation

- 15) Wildlife sensitive lighting design scheme
- 16) Details of obscured glazing to side windows of House 1
- 17) Public footpath provision and maintenance in perpetuity

#### Compliance

- 18) Compliance with Fire Statement
- 19) Compliance with Tree Report
- 20) Compliance with Ecological Appraisal Recommendations
- 21) Accessible homes requirement – House 1 to M4(3) standard and remainder to M4(2) standard
- 22) Installation of at least 20% EVCP's and one blue badge space
- 23) Water use target 110 litres per day
- 24) Removal of permitted development rights

25) 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) Code of practice for Construction Sites
- 4) Highways informative in relation s278 and s38 works required
- 5) Compliance with Building/Fire Regulations
- 6) Construction Logistics Informative
- 7) Refuse and cycle storage informative
- 8) Ground flood risk management permit (Thames Water request)
- 9) Thames Water informatives
- 8) Any other informative(s) considered necessary by the Director of Planning and Sustainable Regeneration

2.5 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.

2.6 That, if by 3 months from the date of the committee meeting 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 would involve the demolition of the existing house and garage, and erection of 7 houses with shared access from Quail Gardens, along with parking area, private and communal amenity space, drainage, infrastructure and other associated works.



Figures 1 and 2: Site plan (above) and site layout (right)

- 3.2 During the course of the application clarity was sought on the access arrangements and gradients. Plans confirming the access visibility, gradients and cycle parking were provided which sought to clarify matters raised by strategic transport and neighbour objections. As they made no amendments to the scheme re-consultation was not required.

### **Site and Surroundings**

- 3.3 The application site lies on the northern end of Quail Gardens, on the south-eastern side of the road and currently consists of a single bungalow building with access from Quail Gardens.
- 3.4 A formal public footpath runs outside the application site along the north-eastern and south-eastern boundaries. To the south-east of the site beyond the footpath is Selsdon Wood, a designated Site of Nature Conservation Importance, a Local Nature Reserve of Metropolitan Importance and Metropolitan Green Belt.
- 3.5 The whole site is covered by a Tree Preservation Order (TPO 39 of 1979). To the south-west is an area of land that now comprises 15 houses at no.60-68 Quail Gardens (granted under 19/00543/FUL, see planning history below). Opposite to the west and north-west are two storey pairs of 1970s semi-detached houses and terraces.



*Figures 3 and 4: Photograph of existing bungalow and entrance and proposed front elevation of houses 1 to 7*

### **Planning Designations and Constraints**

- 3.6 The site is subject to the following formal planning constraints and designations:
- Archaeological Priority Zone
  - PTAL 1B
  - Surface Water Flood Risk 1:100 year
  - TPO 39 of 1979
- 3.7 The site is in close proximity of the following formal planning constraints and designations
- Local Nature Reserve of Metropolitan Importance
  - Metropolitan Green Belt

### **Planning History**

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

60-88 Quail Gardens (formerly part of 46 Quail Gardens)

19/00543/FUL Planning permission granted in July 2019 for the erection of 15 three-bedroom terraced houses. Provision of vehicular access, access road and associated works including car/cycle parking, refuse storage and landscaping.

This has been implemented on site.

46 Quail Gardens

21/04904/PRE Demolition of the existing property and the erection of 8 semi-detached properties (Officers raised concern over extent and form of development, loss of protected tree, parking)

22/00727/FUL Refused planning permission in April 2022 for demolition of existing property and the erection of 8no. terraced dwellings with shared access from Quail Gardens, along with amenity space, drainage, infrastructure and other associated works

Refused on grounds of: 1) character and appearance, 2) poor standard of accommodation, 3) transportation matters, 4) loss of preserved tree, and 5) absence of legal agreement to secure sustainable transport improvements.

The decision was subject of appeal and cost applications to the Planning Inspectorate, with both dismissed in December 2022. During the appeal the applicants submitted additional information which was accepted by the Planning Inspector, addressing the transportation matters (3) and loss of preserved tree grounds (4).

The scheme was dismissed on two grounds - firstly, the proposed development would not provide acceptable living conditions for future occupiers with specific regard to daylight, sunlight, and outlook for the proposed rooms within the roof spaces and the external layout (2) and secondly, the proposal did not secure the provision of car clubs or car sharing for future occupants (5). In terms of the character and appearance refusal reason (1), the Inspector concluded that proposal would not represent a form of development uncharacteristic to its surroundings or the context of the appeal site. It is important to note that given the Suburban Design Guide Supplementary Planning Document had been revoked in June 2022, no weight was given to it by the Planning Inspector.

22/00739/TRE: Application approved to fell Common Ash (TPO 39, 1979) (due to heavy roots in order to prevent further damage to existing bungalow).

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

- The principle of the residential development is acceptable given the residential character of the surrounding area and the need for housing.

- The scheme would provide 7 family sized houses with good sized gardens and acceptable accommodation for future residents and has overcome the concerns raised by the Planning Inspector in 22/00727/FUL.
- The proposed development would be acceptable in terms of its design and impact on character of the area, particularly when giving weight to the Inspectors decision for 22/00727/FUL.
- The scheme would not cause significant harm to neighbouring amenity.
- The properties would each have at least one off street car parking space and would not impact upon highway safety and efficiency, particularly when giving weight to the Planning Inspectors decision for 22/00727/FUL.
- The proposal's impact on trees, particularly when giving weight to the Inspectors decision for 22/00727/FUL, is acceptable.
- The scheme would encourage biodiversity net gain.
- All remaining sustainability aspects can be controlled by conditions.
- A legal agreement would secured a sustainable transport contribution and membership for occupiers to a car club, in line with the Planning Inspector's decision for 22/00727/FUL.

## **5 CONSULTATION RESPONSE**

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

5.2 The following were consulted regarding the application:

### **Historic England (Archaeology)**

5.3 Historic England have confirmed that there will not be any requirements for archaeological assessments associated with this part of the site. It is on the very edge of the Archaeological Priority Area, and has likely been disturbed by modern development.

### **Natural England**

5.4 Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

### **Thames Water**

5.5 In terms of waste, Thames Water have requested an informative be added to cover the requirement for a Groundwater Risk Management Permit from Thames Water for any discharge of groundwater into a public sewer. In terms of surface water, they would have no objection with the sequential approach to the disposal of surface water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They had no objection in relation to the waste water network and sewage treatment works infrastructure capacity. They raised the location within a Source Protection Zone for groundwater abstraction and requested the applicant read the Environment Agency's approach to groundwater resources

*(OFFICER COMMENT: informatives are recommended as requested and the applicant is following the sequential approach to the disposal of surface water).*

## 6 LOCAL REPRESENTATION

6.1 A total of 120 neighbouring properties were notified about the application and invited to comment. The application has been publicised by way of one a site notices displayed in the vicinity of the application site. The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 95      Objecting: 92      Comments: 3

6.2 The following local groups/societies made representations:

Selsdon Residents Association (SRA)

- Remain neutral on the application while welcoming much need family homes noting Quail Gardens is very narrow and concerned on street parking will exacerbate existing issues with parking

6.3 The following Councillor and MP made representations:

Councillor Andy Stranack (for Selsdon Vale and Forestdale Ward) [objecting]

- Overdevelopment
- Loss of light
- Noise
- Traffic and highway issues

Chris Philp (MP for Croydon South) [objecting]

- The proposal would be a significant overdevelopment of the site due to its size, density, footprint, height, bulk and massing
- The proposed intensification would be detrimental to the character and appearance of the area
- Over-intensification of the site by the replacement of a single bungalow dwelling with 7 four bedroomed, three storey houses
- Concreting over garden space and the unacceptable loss of vegetation and natural habitat – the current site has a good covering of grass, scrub and vegetation and is well placed to serve as buffer zone between the adjacent Selsdon Wood and the suburban built context
- The site is adjacent to Selsdon Wood Local Nature Reserve and is a Metropolitan Grade Site of Importance for Nature Conservation, so likely to be biodiversity rich
- The proposal would be detrimental to the amenity of the residents of neighbouring properties due to visual impact, overlooking and loss of privacy
- Overall, this application would fail to meet the Mayor of Croydon's commitments that development should be design-led and not density-led and that proposals should respect local character

6.4 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:

Objection	Officer comment
Character and design	
Overdevelopment increase in density by staggering 135%; not in keeping with local landscape; previous	See para 8.7 to 8.14 of report

development resulted in hideous wall at end of development and site levelled; impact on character of the area; loss of green land; obtrusive by design with 3 storey houses; loss of buffer between estate and houses; houses are far too close; already loss of neighbouring site to housing	
<b>Neighbouring amenity</b>	
Impact of building works; noise from traffic; loss of light to existing properties; overlooking to no 44 and 60-88 Quail Gardens; loss of light to garden of 44, 68 Quail Gardens; impact on structural integrity of no.44; overshadowing of 44; noise and dust during construction and noise alter state; overdeveloped; impact on mental health and pollution; lack of privacy to 64 Quail Gardens; boxing in of small gardens to properties in Quail Gardens	See para 8.23 to 8.30 of report
<b>Quality of accommodation</b>	
Poor quality, under sized housing and gardens	See para 8.15 to 8.22 of report
<b>Transport and Highways impacts</b>	
Insufficient consideration to traffic safety; flow of parking; traffic has increased; already impacted by 13 houses opposite; issues of car parking caused by lack of space; now a roadway; most houses have 2/3 cars; road looks like a car park; congested; access and egress to narrow opening; road safety and impact; lack of public transport in area; emergency services with struggle; end of cul de sac always a bottle neck; becoming a rat run in mornings and evenings; insufficient parking proposed; need to visit the site in the evening; weekends visitor parking problems	See para 8.37 to 8.45 of report
<b>Tress and ecology</b>	
Loss of light. local foliage and wildlife; impact on bird sanctuary; impact on nature reserve; impact on flora and fauna; detrimental impact on woodland; area has badgers, foxes; loss of habitation; not intended for local environment; loss of green space	See para 8.31 to 8.36 of report
<b>Flooding</b>	
Increase of flood risk due to paved area; roadside drainage already problematic and cannot accommodate further demands; lack of provision of sewage and drainage facilities	See para 8.46 to 8.48 of report
<b>Principle</b>	
No thought has been put into infrastructure into local area	See para 8.2 to 8.6 of report
<b>Not material matters</b>	
Greedy developers no consideration for local area; open the door to other developers	Not a material planning consideration and cases are considered on their individual merits

## 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
- D6 Housing quality and standards
- D7 Accessible housing
- H1 Increasing housing supply
- H2 Small sites
- H10 Housing size mix
- G5 Urban Greening
- G6 Biodiversity and access to nature
- G7 Trees and Woodlands
- SI 2 Minimising Greenhouse Gas Emissions
- SI 8 Waste Capacity and Net Waste Self-Sufficiency
- SI 12 Flood Risk Management
- SI 13 Sustainable Drainage
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking
- T7 Deliveries, servicing and construction
- T9 Funding transport infrastructure through planning

#### 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 in new development

- 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 on 20 July 2021, 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. The NPPF identifies a number of key issues for the delivery of sustainable development, those most relevant to this case are:

- Delivering a Sufficient Supply of Homes
- Promoting Sustainable Transport
- Achieving well designed places

### 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)
- Technical Housing Standards: Nationally Described Space Standard (2015)
- National Design Guide (2021)
- National Model Design Code (2021)
- 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:

1. Principle of development
2. Design and impact on character of the area
3. Quality of residential accommodation
4. Impact on neighbouring residential amenity
5. Trees, landscaping and biodiversity
6. Access, parking and highway impacts
7. Flood risk and energy efficiency
8. Conclusions

### **Principle of development**

- 8.2 The Croydon Local Plan sets out a housing target of 32,890 homes over a 20-year period from 2016-2036 (1,645 homes per year). The London Plan requires 20,790 of those homes to be delivered within a shorter 10 year period (2019-2029), resulting in a higher target of 2,079 homes per year.

- 8.3 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.
- 8.4 London Plan policy D3 encourages incremental densification to achieve a change in densities in the most appropriate way and policy H2 seeks to increase the contribution of small sites to meeting London's housing needs. London Plan policy H2 promotes incremental intensification with PTAL 3-6 or within 800m distance of a station or town centre boundary. This site has a PTAL 1a and lies over 800m from a station or town centre boundary, so the site is not appropriate for incremental densification as identified in H2. Notwithstanding, the site is a small site, with H2 requiring them to make a substantially greater contribution to supply of homes.
- 8.5 Given the above, an increase in the number of homes on the application site would contribute towards the above targets. Furthermore, there is extensive history, including an appeal decision where no objection has been raised on the principle of redevelopment of the site for new homes. Therefore the principle of redeveloping the site for residential purposes is acceptable subject to achieving a high quality development and other provisions of the development plan as assessed in this report.
- 8.6 Policy SP2.7 of the Croydon Local Plan (2018) promotes the provision of the strategic target of 30% of proposed new residential accommodation as 3 bedroom or more family accommodation and DM1.2 seeks to restrict loss of 3 bedroom family dwellings and small family homes less than 130sqm. This is the second proposal for family housing on this site within the last year. The first (22/00727/FUL) for 8 houses was dismissed by the Planning Inspectorate, but on grounds of future occupier quality and car club provision only. The current proposal would now provide 7 family sized houses. The proposal would not result in a loss of small family homes and would provide family accommodation in line with the strategic target.

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

- 8.7 In considering the previous proposal for 8 houses, the Planning Inspector described the surrounding character as comprising mainly of two storey semi-detached dwellings with the present bungalow at odds with the surrounding pattern of development, whilst acknowledging the presence of the existing two terraces further south of the site.
- 8.8 Paragraph 24 of the Inspectors report stated that the "*proposal would introduce a third terrace, positioned broadly in line with the adjacent property, 44 Quail Gardens. The proposed terrace would be broadly parallel to the existing 2 terraces, providing dwellings of a similar footprint, size, density, and layout. As such, although they would be different in design to much of the associated residential estate, they would be commensurate to a form and composition of properties already considered appropriate to the area. Thus, the proposal would represent an existing and accepted development*

*pattern and layout*". The Planning Inspector therefore found that the previous scheme would not represent a form of development uncharacteristic to its surroundings.



*Figure 5: Front elevation of previously refused 22/00727/FUL involving 8 houses, found acceptable by the Planning Inspectorate*

- 8.9 The current proposal introduces two pairs of semi-detached houses and a terrace of three houses allowing for a breaking in the massing, repeating the semi-detached nature found in many of the surrounding houses in the area. Officers consider this to be a better arrangement than was previously found acceptable by the Planning Inspector.



*Figure 6: Proposed front elevation of 7 houses.*

- 8.10 In terms of height and scale the Planning Inspector acknowledged that no finished floor levels had been submitted with the previous proposal but nevertheless was satisfied that the height of the proposed buildings would be in line with the height of the existing terraces, and that the site conditions would allow appropriate ground works to achieve this. As such the level and heights of the proposed houses could be controlled by condition and officers have no reason to diverge from that conclusion, and are therefore these details be secured through condition.

8.11 The Planning Inspector found that the finished appearance of the houses related well and while *“not identical to the immediate properties it would represent a modern interpretation of the surrounding vernacular”*. The current design is very similar to the previous proposal. Officers consider that the quality of finish and material would be acceptable, secured by condition.



*Figure 7: Coloured image of proposed 7 houses*

8.12 The proposal includes communal landscaping towards the front with private gardens to the rear of the houses. Whilst not technically a policy requirement, given the scheme is a not a major application, the scheme proposes an urban greening target of 0.4 in line with London Plan 2021 Policy G5 (Urban Greening) which would ensure the scheme also meets policy G1 (Green Infrastructure). The current scheme has a reduced footprint when compared to the previously refused 22/00727/FUL, with more external area for soft landscaping. Officers are satisfied that a condition would enable the requirements to be met to help soften the developments appearance, rationalised the parking layout introducing clear paths to the houses and create the green transition to the end boundary shared between the development and the nature reserve. Such detail should include a detailed planting strategy, list of hard materials; including paving, edges, boundary treatment; details of boundary and retaining walls and street furniture and lighting within the site.

8.13 The proposal would maintain what is understood to currently be an informal public route through the site into Selsdon Woods, alongside number 44. This scheme seeks to make that route formal, albeit retained under the applicant ownership and not formally adopted as a public footpath. This is a benefit of the scheme and would be secured by condition. Matters in relation to lighting of the route, from a safety perspective, would be secured by condition.

8.14 Overall the proposal is considered to be a sensitive intensification of the site. Giving weight to the 22/00727/FUL Planning Inspector’s decision, subject to conditions, the scheme would preserve the local character and appearance of the area in accordance with London Plan and Croydon Local Plan policies.

## Quality of residential accommodation

8.15 The proposal would be in excess of the standards set out within the London Housing SPG and Nationally Described Space Standards for 6 person accommodation. Each house would have a good internal layout, be dual aspect and have sufficient internal head height.

Unit	Size (bedroom/person)	GIA (sqm) proposed	Min. GIA (sqm)	Amenity Space (sqm)	Min. Amenity Space (sqm)	Built in storage space (sqm)	Min. built in storage space (sqm)
1	4b/6p	139	112	50	10	3.5	3
2	4b/6p	126	112	45	10	5	3
3	4b/6p	126	112	58	10	5	3
4	4b/6p	126	112	55	10	5	3
5	4b/6p	126	112	74	10	5	3
6	4b/6p	126	112	82	10	6.7	3
7	4b/6p	126	112	122	10	6.7	3

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

8.16 The previously refused 22/00727/FUL proposal failed to demonstrate that each house would receive suitable level of internal light through velux windows to the rooms in the roof level. The applicants have submitted a daylight and sunlight report in line with BRE Guidance analysing internal daylight levels to the bedroom areas within the proposed roof areas, utilising the illuminance method. The guidance sets minimum illuminance levels to rooms, recommending that at least 50% of the room should exceed the recommended lux for 50% of the total daylight hours in a year. The results show that all of the rooms within the roof space meet and greatly surpass the BRE target recommendations for daylight amenity. In terms of sunlight, of the bedrooms which have at least one main window orientated within 90 degrees of due south, they can receive at least 1.5 hours of direct sunlight on 21 March and therefore accord with BRE Guidance.

8.17 The site would comprise a communal spaces at the front which would be maintained by a management company which is usual in these instances. Each house would have its own rear north facing garden. The Planning Inspector for 22/00727/FUL raised issue with the quality of light and functional area of some of the rear gardens of the proposed terrace houses. Due to the reduction in the number of units (8 homes in 22/00727/FUL and 7 in the current scheme), the garden areas have been increased in size when compared with the 2022 application. As can be seen from Table 2 below, all of the homes would be provided with amenity spaces in excess of the policy requirement.



Figure 8: 2022 dismissed scheme



Figure 9: currently proposed scheme

	Garden areas in the 2022 Application (m <sup>2</sup> )	Garden areas in this application (m <sup>2</sup> )	% increase in area
House 1	43	50	14%
House 2	42	45	7%
House 3	40	58	31%
House 4	40	55	27%
House 5	42	74	43%
House 6	52	82	37%
House 7	60.5	122	50%
<b>Average</b>	<b>45.6</b>	<b>69.4</b>	

Table 2: Proposed increase in garden size against 2022 refuse proposal

- 8.18 The applicant's daylight and sunlight report assessed levels of external light to the rear gardens of each house. In terms of overshadowing to the gardens over 50% of the total area of the gardens would continue to receive more than 2 hours of direct sunlight at the sun's lowest point in the year (21 March). The gardens would therefore be in accordance with BRE Guidance and be adequately sunlit throughout the year. This overcomes the Planning Inspector's concerns for 22/00727/FUL.
- 8.19 Good design promotes quality of life for the occupants and users of buildings. In terms of accessibility, one of the houses (unit 1) would appear to be capable of being M4(3) compliant and all of the other houses M4(2) compliant. These units would be secured by condition, subject to building control approval.
- 8.20 The applicants have provided a fire strategy report in line with the requirements of London Plan policy D12 which is proportionate to the proposal and seeks to ensure that the houses would meet the necessary building control regulations with regard to fire safety. The details identify construction active fire safety measures, means of escape, inclusive design, evacuation and access for fire services; officers are therefore satisfied the information address London Plan Policy D12 and would be secured via condition.

- 8.21 It should be noted that since the Planning Inspector's decision the Housing Design Standards LPG has been adopted by the GLA. This is guidance, noting that the Development Plan has not changed and the comments above showing policy compliance, the scheme is considered acceptable.
- 8.22 Overall, the proposal would all offer a good standard of accommodation and has suitably overcome the future occupier amenity ground raised by the Planning Inspector for 22/00727/FUL.

### **Impact on neighbouring residential amenity**

- 8.23 The properties potentially impacted by the development would be those immediately adjoining to the north-west at 44 Quail Gardens and to the south west 60-68 Quail Gardens, whose rear elevations and gardens face towards the site, as well as those immediately opposite to the west at numbers 32 to 40 Quail Gardens.
- 8.24 The site currently has a largely open aspect. The start of the proposed houses (house 1) would be level with the semi-detached house at 44 Quail Gardens to the west to the front. The applicants have demonstrated that the rear of House 1 would not breach an angle 45 degree from the rear of number 44's habitable room windows within the original part of the house. There is a two storey side extension where the 45 degree angle would be marginally breached; at first floor level is a bathroom (so a non-habitable room) and at ground floor a kitchen, although it is noted the owner has constructed a large pergola to the rear of their property which would limit views towards House 1. There would be two windows in the flank elevation of House 1 facing number 44. The openings are a single secondary living room window and first floor bathroom window. A condition restricting outlook from any windows in the side elevation of the house would safeguard this neighbour's privacy. The proposal would not result in any significant loss of outlook or overlooking for this neighbour.
- 8.25 The proposal would provide a public route through the site into Selsdon Woods, alongside number 44 (although not to be adopted). It is understood members of the public currently use this route informally. It would result in pedestrian movements down the site of number 44, but there are no windows within their flank elevation and there are similar established relationship to the end of Goldfinch Road and Thorold Close, enabling better public access to the open space.
- 8.26 The applicants have produced a daylight and sunlight report analysing the impact of the proposal on light to 44 Quail Gardens. In terms of daylight, each main window experiences a reduction in Vertical Sky Component less than 20% its existing level. Similarly, using the No Skyline test, all rooms would experience no greater loss than 3%, which BRE Guidance confirms would be unnoticeable. In terms of sunlight, as the main windows are orientated within 90 degrees due north, loss of sunlight does not need to be assessed. In terms of overshadowing of the garden of no.44, over 50% of the total area of the garden continues to receive more than 2 hours of direct sunlight on 21 March with the development in place in accordance with BRE Guidance. Based on the applicants daylight and sunlight report the proposal would have limited impact which accords with the BRE in relation to daylight, sunlight and overshadowing.
- 8.27 The proposed terrace would be between 19m to 27m from the rear houses and 10m to 16m from the rear gardens of the terrace of houses in 66-68 Quail Gardens to the southwest. Paragraph 6.80 of the Croydon Local Plan states "*A minimum separation*

*of 18-21m between directly facing habitable room windows on main rear elevations is a best practice 'yardstick' in common usage and should be applied flexibly, dependent on the context of the development to ensure that development is provided at an acceptable density in the local context".* The proposal would be north east of this terrace and due to its orientation and distance would not result in any undue loss of sunlight or daylight for these neighbours and at suitable separation distance so as not to result in any undue loss of privacy or overlooking for these neighbouring occupiers. The provision of communal bin storage adjacent to the boundary of some of the neighbouring houses could result in some noise and disturbance during collection time. However details of means of enclosure should help safeguard neighbours amenity.

- 8.28 The proposed houses would be a minimum 20m from properties to the west 32-44 Quail Gardens. Given this separation the scheme would not result in undue loss of light, overlooking or lack of privacy for these neighbours.
- 8.29 Furthermore, no objection was raised by the LPA or the Planning Inspector for 22/00727/FUL in relation to neighbour amenity.
- 8.30 Neighbours have raised the issue of noise during construction. However a Construction Logistics Plan would be conditioned to safeguard neighbours amenity during this process.

#### **Trees, landscaping and biodiversity**

- 8.31 London Plan Policy G7 and Croydon Local Plan policy DM10.8 and DM28 seek to retain existing trees and vegetation and seek biodiversity net gain. The whole site is covered by a Tree Preservation Order (TPO 39 of 1979). There are currently 7 individual trees within the site and a tree (T3 Ash) and group (G4 Beech) to the north of the site within Selsdon Woods has also been considered in the Tree Report.
- 8.32 The proposal includes the removal of a centrally located Ash tree (T1) which has been previously assessed and granted under a tree works application ref 22/00739/TRE due to issues of die-back and root impact on the existing bungalow. The proposal would also include removal of a Laburnum tree (T8) which is subject to the TPO. The removal of the Laburnum tree (T8) described as Category U and is largely unnoticeable outside of the site and the report states that the tree is dying. Officers do not raise any issue in respect to the removal subject to suitable replacement.
- 8.33 The report identifies some cut back and protection measures to existing mature trees such as a group of Beech trees (G4) and Hazel tree (T6) due to potential construction activities. The tree report identifies the method of protection, works to be undertaken, schedule of works, precautions during landscaping and location of new trees. The landscaping scheme proposes the planting of 28 new trees across the site, including replacement for the T1 and T8.
- 8.34 Officers have raised no objection to the tree report which would provide an enhanced local landscaped environment subject to approval of details specification of replacement trees. Officers are therefore satisfied with that the proposal would therefore accord with Policy DM28 of the Croydon Local Plan and London Plan Policy G7.

- 8.35 The site directly borders Selsdon Wood Nature Reserve, a designated Site of Nature Conservation Importance (SNCI). The submitted Ecological Appraisal reviews the likely impacts of the development on the designated site and potential impacts on protected and priority habitats and species, both on the application site and within the SNCI. The appraisal covers a number of ecological considerations including various species of plants, invertebrates, amphibians reptiles, birds, mammals, badgers involving a desk and field based survey. The application site predominantly comprises urban, highly modified habitats including developed land and amenity grassland, with small areas of ruderal/ephemeral and scrub. No notable, rare or legally protected species or non-invasive species were recorded. In terms of invertebrates the search returned one butterfly record; Marbled white, common in meadows and occasionally visits gardens; with trees, scrub and grassland found to have limited value. Although the site included a pond no amphibians were identified.
- 8.36 The report identified that the site does not support significant suitable habitat for any of the common British reptile species. The site was found to have a high potential for nesting birds, low potential for roosting bats, moderate evidence of hedgehogs and while some evidence was provided of badger holes overall the report identified them as in a state of collapse with vegetation on top. The proposed assessment is supported with a number of recommendations to ensure compliance and best practice. In conjunction with the report the applicant has undertaken a study to determine the presence / likely absence of roosting bats. Place Services have independently reviewed the submission and concluded that they are satisfied with its findings and that sufficient ecological information enables them to conclude that subject to conditions the likely impacts on designated sites, protected and priority species and habitats have been fully considered and subject to securing the appropriate mitigation measures through conditions, the development can be made acceptable in accordance with policy DM27.

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

- 8.37 The site is located in a low PTAL area (1b) but is not within a CPZ area. The previous proposal which was for 8 houses addressed most of the highway and transport measures. The Planning Inspector for the 22/00727/FUL appeal concluded that *“on review of the evidence and with no objections over and above those reiterated from the application stage, I am satisfied these issues have been resolved”*. The fundamental transport and highway aspects of the scheme remain the same.
- 8.38 The proposal is for 7 houses with 11 spaces proposed; the London Plan maximum standards for this location is up to 1.5 spaces per dwelling, equating to 10.5 spaces. Therefore it would technically be over the maximum car parking standard, but given the representations received it is considered appropriate to round up rather than round down. Each of the homes would have a dedicated space in front of the units, with four spaces within a parking area for visitor parking.
- 8.39 The proposal includes a 1.2m wide footway delineated within the site rising from the same level as the road in a different material to allow pedestrians some safe walking area from passing vehicles. This will also allow the width of the access to be used by two vehicles passing each other. The proposal includes a change in level of the gradients of the site suitable for pedestrians including wheelchair users and would be no more than 1:12 for vehicles servicing, with these details secured by condition.

- 8.40 The proposal includes suitable swept paths analysis, vehicle ingress and egress, together with acceptable pedestrian and vehicle sightlines to the required standards to the north and south of the site entrance. The applicants have confirmed ownership of the site boundary fence ensuring delivery of a section no more than 0.6m high adjacent to highway to provide suitable vehicle visibility, the full details to be secured through condition. Service vehicles would be able to access the site via Quail Gardens and exist in forward gear. Drainage will be required at the vehicle access junction with the public highway to prevent water run off onto the public highway, with details to be secured to by condition.
- 8.41 A condition would secure 20% minimum electric vehicle charging points which would be required to London Plan standards and a blue badge bay can be provided by expanding one of the visitor spaces, secured through condition.
- 8.42 Refuse would be provided in a shared bin store (and 10sqm bulk store area) opposite House 3, within 30m of all of the houses. A refuse vehicle would stop at the end of the Quail Gardens cul-de-sac, so serviced from the street, and be within 20m (19m) of the bin store.
- 8.43 Each house would include suitable cycle storage facilities for each house including cycle storage for wider/adapted bikes including visitor cycle parking.
- 8.44 The applicants have agreed to a £10,500 contribution towards improvements to sustainable transport measures, as well as each household having membership of a car club for 3 years (thereby overcoming the previous Planning Inspector's reason for refusal), to be secured through the s106 agreement. In addition to this details of a construction logistics plan would need to be approved by the local planning authority and a condition survey of the public highway would be required prior to any works commencing on site. Overall all highway works required would need to be undertaken via s278 agreement with all costs borne by the applicant.
- 8.45 Based on the information provided the proposal demonstrates sufficient consideration in terms of transportation and highway grounds and would be in accordance London Plan Policies T4, T5, T6 and Local Plan policies SP8, DM13, DM29, DM30

### **Flood risk and energy efficiency**

- 8.46 The site is located within Flood Zone 1 and Surface Water Flood Risk 1:100 year. The proposal includes a drainage strategy which addresses both surface water and foul water drainage. The report identifies the site as 0.1ha not in a critical drainage area and confirms that intrusive ground investigation and post site monitoring did not detect ground water flooding. An informative would advise the applicants of the need to secure a ground risk management permit to be obtain from Thames Water should ground water be identified.
- 8.47 The report identified existing drainage facilities at the site in addition to calculation of run-off rates. In line with London Plan Policy S113 and CLP policy DM25 the use of SUDS to limit the runoff from the development and follow the drainage hierarchy of surface water runoff were identified. The SUDS measures identified as suitable for the site included rainwater harvesting, infiltration systems, proprietary treatment systems; filter drains, pervious pavements and attenuation tanks. The drainage

hierarchy included use of water butts and rain water infiltration technics to ground with surface water dealt with at source.

- 8.48 The proposed drainage strategy chosen for the site to manage surface water runoff would be through the use of soakaway tank (storage volume 22.8m<sup>3</sup>) and permeable paving accounting for storm durations and rain fall intensity. Foul drainage would be discharged into a proposed foul manhole with foul water attenuated into a storage tank before discharging into combined Thames Water sewer. Thames Water have advise that with regard to waste water network and sewage treatment works infrastructure capacity, they would not have any objection to the above planning application, based on the information provided. Therefore subject to a condition to secure the SUDs measures in accordance with report the proposal would in line with London Plan policy S113 and CLP policy DM25 in meeting climate change and considering long term implications of flooding.
- 8.49 The Council would seek new homes to meet the needs of residents over a lifetime and be constructed using sustainable measures to reduce carbon emissions. In line with the London Plan, the development proposals should make the fullest contribution to minimising carbon dioxide emissions. The applicants have provided an energy report which confirms that the proposal would deliver a minimum carbon reduction of 19%. It is noted that the building regulations have been updated that now have more stringent requirements rendered the 19% reduction redundant. However, given the strategy includes photovoltaic panels and air source heat pumps, it is prudent to attach a condition so that the appearance of the external energy generation measures are suitably considered.
- 8.50 In addition the report confirms that the development would achieve a water use target of 110 litres per head in line with Croydon Local Plan policy SP6. The proposal would be subject to a condition securing the water saving measures.

## **Conclusions**

- 8.51 The provision of 7 single family houses on this site is acceptable in principle. Officers consider that the proposed development would be acceptable in terms of its design and impact on character of the area, the quality of accommodation, impact on surrounding properties, highways impacts, relationship to trees and environmental/sustainability matters. Weight is given to the Planning Inspector's decision for 22/00727/FUL when coming to this position and it is considered matters have now been suitably overcome.
- 8.52 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).

8.53 The development would be liable for a charge under the Community Infrastructure Levy (CIL).

## **APPENDIX 1: BRE 2022 Guidance**

### Daylight to existing buildings

The BRE Guidelines stipulate that the diffuse daylighting of the existing building may be adversely affected if either:

- the vertical sky component (VSC) measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value (or reduced by more than 20%), known as the “VSC test” or
- the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value known as the “NSL test” (no sky line).

### Sunlight to existing buildings

The BRE Guidelines stipulate that the sunlight of an existing window may be adversely affected if the centre of the window:

- receives less than 25% of annual probable sunlight hours (APSH), or less than 5% of annual winter probable sunlight hours between 21 September and 21 March (WPSH); and
- receives less than 0.8 times its former sunlight hours (or a 20% reduction) during either period; and
- has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

If one of the above tests is met, the dwelling is not considered to be adversely affected.

### Daylight to new buildings

The vertical sky component (see above) may be used to calculate daylight into new buildings.

For daylight provision in buildings, BS EN 17037 provides two methodologies. One is based on target illuminances from daylight to be achieved over specified fractions of the reference plane for at least half of the daylight hours in a typical year. One of the methodologies that can be used to interrogate this data is Spatial Daylight Autonomy (sDA).

The Spatial Daylight Autonomy (sDA) seeks to establish how often each point of a room’s task area sees illuminance levels at or above a specific threshold. BS EN 17037 sets out minimum illuminance levels (300lx) that should be exceeded over 50% of the space for more than half of the daylight hours in the year. The National Annex suggest targets comparable with the previous recommendations for Average Daylight Factor (ADF). The targets considered relevant for this application are:

- 100 lux for bedrooms
- 150 lux for living rooms
- 200 lux for living/kitchen/diners, kitchens, and studios.

Paragraph C17 of the BRE states that *“Where a room has a shared use, the highest target should apply. For example in a bed sitting room in student accommodation, the value for a living room should be used if students would often spend time in their rooms during the day. Local authorities could use discretion here. For example, the target for a living room could be used for a combined living/dining/kitchen area if the kitchens are not treated as habitable spaces, as it may avoid small separate kitchens in a design”*.

### Sunlight to new buildings

The BRE guidelines state that in general, a dwelling or non-domestic building which has a particular requirement for sunlight, will appear reasonably sunlit provided that:

- At least one main window faces within 90 degrees of due south, and
- a habitable room, preferably a main living room, can receive a total of at least 1.5 hours of sunlight on 21 March. This is assessed at the inside centre of the window(s); sunlight received by different windows can be added provided they occur at different times and sunlight hours are not double counted.

### Sunlight to gardens and outdoor spaces

The BRE guidelines look at the proportion of an amenity area that received at least 2 hours of sun on 21<sup>st</sup> March. For amenity to be considered well sunlight through the year, it stipulates that at least 50% of the space should enjoy these 2 hours of direct sunlight on 21<sup>st</sup> March.