

**PART 6: Planning Applications for Decision**

**Item 6.2**

**1.0 SUMMARY OF APPLICATION DETAILS**

Ref: 17/04330/FUL  
 Location: 360 Brighton Road, South Croydon, CR2 6AL  
 Ward: Croham  
 Description: Demolition of existing light industrial buildings; erection of 2 three storey building comprising 2 two bedroom and 2 one bedroom flats; 4 two storey two bedroom houses and 1 single storey two bedroom house; provision of associated parking  
 Drawing Nos: 1660-1, 1660-2, 1660-3, 1660-4, 1660-5, 1660-6, 1660-7, 1660-8, 1660-9, 1660-10, 1660-11, 1660-12, 1660-13, 1660-14, 1660-15, 1513/EX/001, 1513/P/100, 1513/P/101, 1513/P/102, 1513/P/103, 1513/P/104, 1513/P/105, 1513/P/106, 1513/P/107, 1513/P/108, 1513/P/109, 1513/P/110, 1513/P/111, 1513/P/112, 1513/P/113, 1513/P/114, 1513/P/115, 1513/P/116  
 Applicant: Mr and Mrs Young  
 Agent: Ms Emily Osler  
 Case Officer: Georgina Betts

|               | <b>1 bed</b> | <b>2 bed</b>              | <b>3 bed</b> |
|---------------|--------------|---------------------------|--------------|
| <b>Flats</b>  | 2x (1b1p)    | 6x<br>(4x 2b4p & 2x 2b3p) |              |
| <b>Houses</b> |              | 1x (2b3p)                 |              |

| <b>Number of car parking spaces</b> | <b>Number of cycle parking spaces</b> |
|-------------------------------------|---------------------------------------|
| 9                                   | 18                                    |

1.1 This application is being reported to Planning Committee because the Chair of Planning Committee (Paul Scott) made representations in accordance with the Committee Consideration Criteria.

**2.0 RECOMMENDATION**

- 2.1 That the Planning Committee resolve to REFUSE planning permission.
- 2.2 That the Director of Planning and Strategic Transport has delegated authority to issue the refusal of planning permission.

**Reasons for refusal**

- 1. Loss of employment generating uses
- 2. Failure to demonstrate that the scheme is acceptable in relation to flood risk
- 3. Out of keeping with the character of area due to inappropriate scale, design and cramped form
- 4. Substandard accommodation by reason of poor outlook
- 5. Detrimental impact upon neighbouring properties in terms of visual intrusion

6. Any other reason(s) considered necessary by the Director of Planning and Strategic Transport

### **Informatives**

- 1) Community Infrastructure Levy – refused
- 2) Any other informative(s) considered necessary by the Director of Planning and Strategic Transport

## **3.0 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 3.1 The applicant seeks full planning permission for the following:

- Demolition of the existing light industrial buildings
- Erection of 2x three storey buildings comprising 2x two bedroom and 2x one bedroom flats.
- 4x two storey two bedroom houses
- 1x single storey two bedroom house
- Associated parking and landscaping
- Provision of refuse and cycle stores

### **Site and Surroundings**

- 3.2 The application site lies on the western side of Brighton Road and is currently occupied by light industrial buildings, with the main access from Brighton Road with a secondary access onto Churchill Road to the north. The site is relatively flat with a slight incline as you move north-west and given the industrial nature of the site there is limited soft vegetation across the site. The premises are currently occupied and are operating as a printing works and this was evident on the Officers site visit to the property.
- 3.3 The surrounding area is mixed in character terms with the ground floor units of Brighton Road properties largely operating within retail uses. A mix of residential and office type uses exist on the upper floors of Brighton Road properties while two storey residential properties are site immediately north-west. The area is busy in nature with Brighton Road classified as a London Distributor Road and as such it is clear that the surrounding areas suffer from parking stress.
- 3.4 The application site lies within an area at risk of surface water and critical drainage flooding as identified by the Croydon Flood Maps. The site lies adjacent to Flood Zones 2 and 3. The site lies within an archaeological priority zone as identified by the Croydon Plan.

### **Planning History**

- 3.5 There is no relevant planning history in relation to this site.

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

- The proposal would result in the loss of an occupied scattered employment site
- The proposal would be unacceptable in flood risk terms given the sites location within Flood Zones 2 and 3 and surface water/critical drainage issues
- The development would result in an cramped and overly dominant form of development which would harm the character of the surrounding area
- The living standards of future occupiers would be substandard by reason of poor outlook.
- The development would cause visual intrusion to neighbouring properties.

#### **5.0 CONSULTATION RESPONSE**

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

5.2 Historic England – no archaeological requirements considered necessary

5.3 Local Lead Flood Authority - The LLFA have objected to the proposals and requested further information in relation to the following:

- An updated topographical survey
- Clarification over impermeable areas
- Calculations of run off rates
- SuDS details including design
- Exceedance flow rates
- Drainage plans
- Storage and attenuation volumes

5.4 The Environment Agency -. The Environment Agency have commented that, “there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable and that the risk posed by this development is unacceptable.”

#### **6.0 LOCAL REPRESENTATION**

6.1 The application has been publicised by way of letters. 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: 73 Objecting: 70 Comments: 2 Supporting: 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:

Objections:

- Traffic congestion/loading/turning issues
- Loss of privacy

- Loss of light
- Poor design/ugly
- Road access/poor visibility/poor emergency access
- Out of character
- Lack of parking
- Cramped/overdevelopment
- Impact upon ecology e.g. nesting birds/bats
- Noise and general disturbance
- Fear of crime
- Pollution

#### Support

- Looking forward to not hearing machines all day long

#### 6.3 Councillor Scott made following representations:

- Potential to meet housing need through the provision of new homes, responding to the governments National Planning Policy Framework and the Mayor for London's housing targets
- Massing and design of the proposed building in relation to the character of the area and the existing structures on site
- Impact on the amenities of neighbouring properties

#### 6.4 Councillor Gatland had objected to the application on the following grounds:

- Harm to neighbouring amenity such as loss of light and privacy
- Overdevelopment
- Unsafe access arrangement
- Further traffic and parking pressure on Churchill Road

### **7.0 RELEVANT PLANNING POLICIES AND GUIDANCE**

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

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

- Promoting sustainable transport;
- Delivering a wide choice of high quality homes;
- Requiring good design.

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

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 4.4 Managing industrial land and premises
- 4.12 Improving opportunities for all
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.16 Waste net self sufficiency
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture

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

- SP1.1 Sustainable development
- SP1.2 Place making
- SP2.1 Homes
- SP2.2 Quantities and location
- SP2.6 Quality and standards
- SP3.1 Employment
- SP3.2 Innovation, Investment & Enterprise
- SP4.1 and SP4.2 Urban design and local character
- SP4.11 regarding character
- SP6.1 Environment and climate change
- SP6.2 Energy and carbon dioxide reduction
- SP6.3 Sustainable design and construction
- SP6.4 Flooding, urban blue corridors and water management
- SP8.6 and SP8.7 Sustainable travel choice
- SP8.12 Motor vehicle transportation
- SP8.17 Parking

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

- UD2 Layout and siting of new development
- UD3 Scale and design of new buildings
- UD6 Safety and security
- UD7 Inclusive design
- UD8 Protecting residential amenity
- UD13 Parking design and layout
- UD14 Landscape design
- UD15 Refuse and recycling storage
- EM5 Retaining industrial and warehousing building outside designated areas
- T2 Traffic generation from development
- T4 Cycling
- T8 parking
- H2 Supply of new housing

#### 7.6 Supplementary Planning Guidance

- London Housing SPG March 2016

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

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

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

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

- Loss of Employment
- Flooding
- Townscape and visual impact
- Amenity of future occupiers
- Impact upon neighbouring amenity
- Transport

- Ecology
- Trees

## Loss of Employment

8.2 The application site is currently occupied by industrial buildings and currently occupied by a print works which falls within Use Class B2 (light industrial). As the site is not located within a town centre or designated employment area for planning purposes it is identified as a Tier 4 (scattered employment) site as set out in Policy SP3.1 and SP3.2 of the Croydon Local Plan 1: Strategic Policies 2013. Table 4.3 of Policy SP3.2 is useful in assessing the permitted uses of Tier 4 sites, which,

| Tier | Designation                | Locations  | Approach  | Permitted Uses   | Other Uses  |
|------|----------------------------|--|---|--|---|
| 4    | Scattered Employment Sites | Other employment locations/sites falling outside of Tier 1, Tier 2 and Tier 3. | Protection for industrial and warehousing activities. Allowance for community uses to locate in the (Higher PTAL) more accessible locations | Class B1 (excluding B1a office), B2 and B8 uses<br><br>Employment generating sui-generis uses <sup>26</sup><br><br>Class D1 (Education and Community Facilities) in industrial locations in PTALs 3 or above | Planning permission for limited residential development will be granted if it can be demonstrated that: <ul style="list-style-type: none"> <li>• there is no demand for the existing premises or for a scheme comprised solely of the permitted uses; and</li> <li>• residential use does not harm the wider location's business function.</li> <li>• Opportunities for employment and skills training will be considered via Section 106 where possible</li> </ul> |

8.3 To demonstrate there is no demand for B1, B2 or B8 (and other permitted uses) evidence needs to be submitted to show that a marketing exercise has been undertaken for a minimum of 18 months; the site has been offered at a price commensurate with the value of the site for permitted uses; and that active promotion has been undertaken by agents marketing the site. The site has a PTAL rating of 3, so it will also need to be marketed for Class D1 - Education and community facilities in order to establish whether there is demand for this property as an education or community facility.

8.4 The purpose of this policy is to safeguard employment land if there is an identified need for such premises. In this particular case, the premises is currently occupied and is being operated as a print works. As such it cannot be argued that there is no demand for the B1 premises.

8.5 The information submitted with this application demonstrates that the application site has been marketed for commercial purposes and D1 use since February 2015. The applicant states that the main interest in the premises came from property developers and while one local D1 user came forward they were anticipating converting the majority of the building to residential use. The marketing document seeks to show that there is no demand for the premises outside the current use. As part of the marketing exercise the applicant escalated the price from £1,000,000 to £1,550,000 and this does not appear warranted or justified. Given the rateable value and the high price, it is questionable whether the site would be attractive to a long term investor.

- 8.6 Therefore a red book valuation of the property is required. A note on 09 March 2016 in the marketing details it states that there had been 'lots of interest.' This interest expressed on the property is not detailed any further. Therefore, further information is required such as a table of all enquiries and interest received for the site since February 2015 and if there was an offer made and if so, what that offer was and any details on why the interest fell away or why the interest and/or offer did not eventuate.
- 8.7 The LPA are of the view that there is a demand for the premises as it is currently occupied by a Print works that appropriate, permitted uses have not been explored and the applicants marketing exercise is not sufficiently robust. As such, officers are unable to support the application.

### **Flooding**

- 8.8 The application site lies adjacent to Flood Zone 2 and 3 and is at risk of surface water and critical drainage flooding. As a result the Environment Agency and the Local Lead Flood Authority are statutory consultees. There are known historical flood events along this stretch of Brighton Road and the risk is heightened by the location of the site adjacent to Flood Zones 2 and 3.
- 8.9 The development must strive to intercept, store and attenuate as much surface water as possible, working to achieve as close to greenfield runoff rates as possible. Any development at this site must carefully consider the locally known flood risks, particularly the impact on surface water flood risk beyond the site boundary.
- 8.10 At this time insufficient information has been provided to satisfy the LPA that the development would not lead to unacceptable levels of flood risk. This position is supported by the Environment Agency and the Local Lead Flood Authority.

### **Townscape and visual impact**

- 8.11 The application site lies on the north-western side of Brighton Road with a secondary access onto Churchill Road and provides an interesting opportunity for a residential development, were the policy objections identified above are overcome.
- 8.12 Given that the site is not stereotypical plots within the surrounding area this does allow for a more innovative and contemporary approach to its redevelopment and it is acknowledged that there are some positive aspects to the scheme. Reference to its industrial past is positive however the overall scale and massing of the proposed development dominates its plot and that of its immediate neighbours.

- 8.13 Backland developments should be of lesser height than the buildings they are surrounded by so that the open experience and views across the backs of the terraces can be maintained as far as possible. As such the height of the 3 storey elements is not acceptable, or at least they should not exceed the height of the existing industrial units.
- 8.14 The development appears cramped due to the quantum of development sited in close proximity to its entrance, namely the detached single storey (bungalow) dwelling. The access road is dominated by a bike store on one side and a bin store opposite while there is generally a lack of space for landscaping. The design of which is poor and fails to take opportunities to enhance the sense of place.
- 8.15 While this is form of backland development and thus would typically be inward looking, the design of the buildings fail to create visual interest or connect to its surrounding area and this can be seen from inactive ground floors and high boundary treatments. This is particularly true of the 1 storey unit, which sits on a prominent corner and actively faces away from the street.
- 8.16 The proposed development is therefore considered to result in a cramped form of development which would harm the character and appearance of the surrounding area.

#### **Housing quality for future occupiers**

- 8.17 All units would meet the minimum space standards set out in the National Space Standards and amenity space would be provided in accordance with the London Plan. However, given the quantum and nature of the development most amenity space would be provided at first floor level between either two or three storey blocks. This arrangement not only affects the quality of the amenity space, as privacy screens are no doubt needed, it impacts upon the outlook from habitable room windows.
- 8.18 It is therefore considered that the development would result in substandard accommodation as a result of poor outlook.

#### **Residential amenity for neighbours**

- 8.19 The two storey dwellings would sit comfortably with neighbouring properties within Churchill and Brighton Road with separation distances ranging from 10 to 22 metres. Due to the inward nature of the development it is not considered that the development would give rise to a loss of privacy.
- 8.20 The three storey nature of units 4-7 in Block B would be highly visible from the rear gardens of 55-65 Churchill Road. While the minimum separation distance in terms of backland development would fall within the remit of emerging Policy DM11 of CLP2 concerns exist over the proposed height. Given the north-western orientation of the neighbouring properties and expansive width of the three storey mass it is considered that development would appear overly dominant and overbearing when viewed from No's 55-65 Churchill Road, therefore being

harmful to their residential amenity. It is therefore recommended that permission is refused on this ground.

- 8.21 The single storey dwelling would be sited approximately 5.1 metres from the ground floor and 8.3 metre from the first floor of 362 Brighton Road. It would appear that 362 Brighton Road is in mixed use with Council Tax records supporting the presence of residential accommodation. However, given the single storey nature of the proposed dwelling the proposal is not considered to appear visually intrusive to 362 Brighton Road to warrant a refusal of planning permission.

### **Transport**

- 8.22 The subject site is in an area with a PTAL accessibility rating of 4 (on a scale of 1a - 6b, where 6b is the most accessible), as indicated on maps produced by TfL. The site is therefore considered to have good access to public transport links.
- 8.23 Provision has been made for 9 on-site parking spaces which includes one disabled bay, and for cycle storage which could be provided in accordance with the London Plan standards. A single storey wheelchair adaptable bungalow has been provided demonstrating that the proposal has been designed to be accessible by all.
- 8.24 The proposed scheme would generate 3 peak hour trips for the AM and PM periods respectively, contrasting with the 8 peak AM trips and 6 Peak PM hour trips for the existing light Industrial use, which is acceptable. Strategic Transport has no objection in principle to this application provided details of electric vehicle charging points, cycle and refuse storage, a Construction Logistic Plan and emergency vehicle tracking are secured by condition. While the principle of the development is acceptable on highway grounds this does not outweigh the harm that has been identified elsewhere in this report.

### **Sustainability**

- 8.25 CLP: SP Policy SP6.3 (Sustainable design and construction) requires all new build housing to achieve Code for Sustainable Homes Level 4 *or equivalent*. As such it is recommended that a condition is attached requiring the applicant to achieve a 19% reduction in CO2 emissions while ensuring that water consumption does not exceed 110L per head per day.

### **Ecology**

- 8.26 The application site does not lie within close proximity of a Site of Nature Conservation Area Importance nor were any protected specified evident on the site visit. The proposed development is therefore not considered to harm any ecological interest within or surrounding the site and would comply with the relevant policies in this respect.

### **Trees**

8.27 There are limited trees and soft vegetation within the site and as such there is no objection to the proposal on tree grounds. However, the cramped nature of the development would limit the space available for soft landscaping works further demonstrating the over development of the site.

### **Conclusions**

8.28 For the reasons specified in the agenda and clarified within the report it is recommended that planning permission is refused.

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