

PART 6: Planning Applications for Decision

Item 6.1

1 SUMMARY OF APPLICATION DETAILS

Ref: 18/04522/FUL
Location: Builders Merchants Adjoining 104 Godstone Road, Kenley, CR8 5AE
Ward: Kenley
Description: Continued use of site as builder's merchants and associated yard (sui generis) including car parking, storage (containers and carcassing) and extension of the builders merchant use into adjacent field for storage purposes (carcassing, car parking and retention of vehicle turning head).
Drawing Nos: MT-1627-01-03- Proposed Yard Layout
Agent: Jones Lang LaSalle Limited
Case Officer: Laura Field

- 1.1 This application is being reported to Planning Committee because the number of objections above the threshold for Committee Consideration Criteria have been received and the Ward Councillor (Cllr Jan Buttinger) has made representations in accordance with the Committee Consideration Criteria and requested Planning Committee consideration.

2 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 planning conditions and informative to secure the following matters:
1. Development to be carried out in accordance with the approved drawing.
 2. Opening hours for trade restricted to Monday to Friday 0700 to 1700 (not Bank Holidays) and Saturday 0800 to 1200 with no deliveries on Saturdays. Opening hours of the premises restricted to Monday to Friday 0600 to 1800 (not Bank Holidays) and Saturday 0700 to 13:00.
 3. Development carried out in accordance with the Flood Risk Assessment within 3 months from date of the permission.
 4. SUDs details to be submitted within 3 months from the date of the permission and approved and implemented within 6 months.
 5. Cycle parking and pedestrians safety measures carried out in accordance with plans and implemented within 3 months from the date of the permission.
 6. Development carried out in accordance with landscaping scheme and shall be completed prior to the end of the first planting season from the date of the permission.
 7. Mitigation measures carried out in accordance with the Noise Assessment, Noise Management Plan and Acoustic Impact Assessment to be implemented within 3 months from the date of the permission.
 8. Mitigation measures specified in submitted Air Quality Dust Risk Assessment to be implemented within 3 months from the date of the permission.

9. Full details of a Delivery and Service Plan Action Plan submitted for approval within 3 months from the date of the permission and implemented within 6 months.
10. Restricting external storage in those areas identified on the plans and no storage to south east in the grassed areas closest to Godstone Road and Bourne View.
11. No materials shall be stored to take place on the vehicle turning head at any time.
12. Storage of timber, bocks, brick, bulk bags and cement shall only take place in the external storage areas. No hazardous materials to be stored on site.
13. Details of storage containers and carcassing to be submitted and shall be installed as approved.
14. Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport.

Informatives

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

3 PROPOSAL AND LOCATION DETAILS

Proposal

- 3.1 The application has been submitted following the planning enforcement team investigations since December 2015. The application seeks to regularise and clarify the use of the site and includes:

Retrospective elements

- Retention of external storage area and carcassing (open-sided storage units) for building materials (extended part of the site - Figures 1 and 3).
- Retention of the layout of hard standing in extended part of the site to form a Turning Head for delivery vehicles (to allow vehicles to turn on site and exit in forward gear). This allows for Heavy Good Vehicles (HGV's) to conduct a three point turn before exiting the site. In terms of deliveries to site, there are approximately six deliveries per day on average. Service hours for the delivery of goods are between 8am to 4pm with no deliveries taking place at weekends.
- Retention of a staff parking area in extended part of the site.
- Continued use of the site for mixed use purposes/builders merchants, including trade counter in the main warehouse. Allmat is an existing builders merchants with a retail element. (Figure 2).

New elements

- Replacement storage containers (6 metres long by 2.4 metres wide and 2.4 metres high) and carcassing of a maximum of 5 metres in height in the main area.
- The extended part of the site is surplus to Sutton and Easy Surrey Water PLC's requirement. However occasional access is required in order to service the existing boreholes and drainage.

- Amendments have been submitted during the course of the application which included an update Planning Statement to accurately describe to full extent of the proposals, additional flood risk information, a Dust Air Quality Assessment, background document: Allmat Kenley Risk Report, landscape drawing and specifications, highway and cycle plan.



Figure 1: Showing extended part of the site used for storage of materials. This area is also used for staff parking closest to the railway.

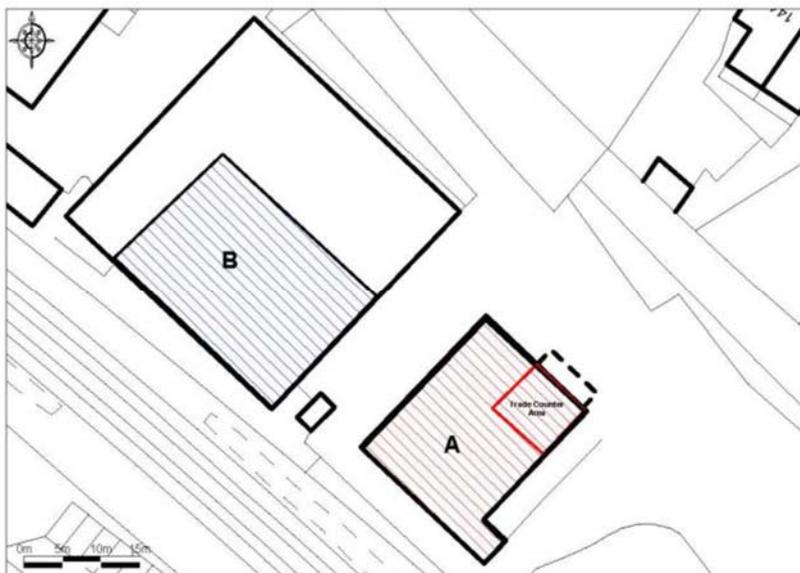


Figure 2: Building A includes the trade counter

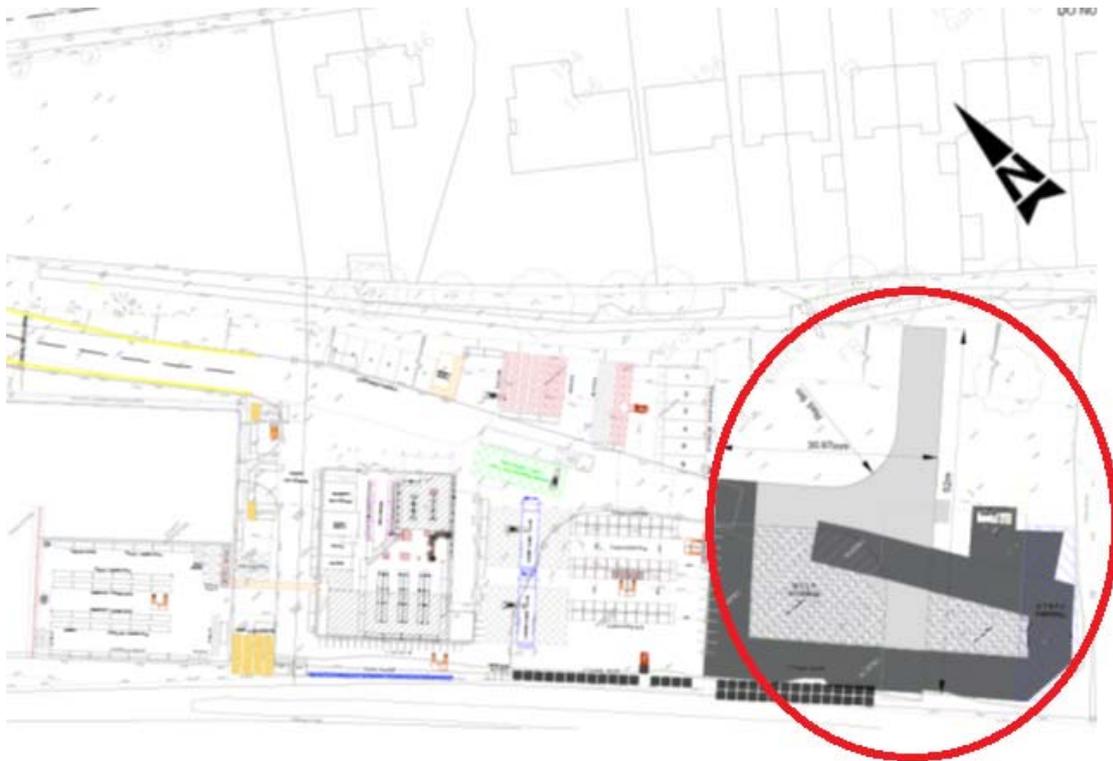


Figure 3: The proposal with the extended area circled in red

Site and Surroundings

- The site is used by Allmat Building supplies which is a builder's merchant.
- The land beyond the site to the west is Kenley Water Treatment Works.
- The site is located on the south side of Godstone Road (A22) with access provided towards the western end of the site (shared with the access to Kenley Water Treatment Works. The Public Transport Accessibility Level (PTAL) is 2.
- A railway line runs along the south western boundary with residential properties beyond.
- The site is in relative close proximity to residential properties which face onto Godstone Road and Bourne View.
- The sites lies in Flood Zone 2 and 3. It is also lies within an area at high risk of surface water flooding and a Source Protection Zone.
- The site lies within an Archaeological Priority Area.

Planning History

3.2 The planning history for the site dates back to 1970's. The following applications are considered to be most relevant:

91/01489/P: Use of chalk drying plant building for purposes within Class B8 and provision of 11 car parking spaces granted on 16 October 1991. This established the use and buildings on the site occupied by Allmat Building Supplies.

92/02125/P: Erection of 4 buildings comprising 6 two storey units for use for purpose within use classes B1 (business) and B8 (warehousing together with ancillary offices); formation of vehicular access and provision of 79 car parking spaces. Not implemented.

16/03253/P: Retention of extension of external storage area for building materials associated with the adjacent builders merchant and laying hardstanding to form a turning 'T' for delivery of vehicles. Withdrawn.

17/02302/LE: Use as Building Supplies Merchants and Trade Counter (sui generis use). Withdrawn.



Figure 4: Site outlined in red

4 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 4.1 The site is currently occupied a Builder's Merchant. The principle of the development is acceptable.
- 4.2 The retention of the external storage area associated with the adjacent builder's merchants and the hard standing, new storage containers and carcassing will not have an overly harmful impact on the visual amenities of the area.
- 4.3 With a combination of additional landscaping, control over hours of use and dust mitigation and in view of the existing relationship officers are satisfied that the extended use of the site as a builders merchants (with associated stacking and external storage) would be acceptable in terms of the residential amenities of the adjoining occupiers.
- 4.4 The proposal would have no significant adverse impact on parking demand and pedestrian and highway safety.
- 4.5 The proposal will have an acceptable impact in terms of flood risk.

5 CONSULTATION RESPONSE

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

Historic England

Historic England have confirmed no further work is required.

Transport for London

TfL welcomes that information regarding the cycle parking have been provided. The measures put in place to reduce conflicts between pedestrians, cyclists and vehicles is also considered acceptable. TfL there have no further comments to make regarding this application.

Environment Agency

The Environment Agency have no objection to the application subject to details on CCTV and mitigations measures to be submitted for approval within 6 months.

Lead Local Flood Authority

The LLFA have no objection to the application subject to conditions.

6 LOCAL REPRESENTATION

- 6.1 The application has been publicised by way of 106 letters and site notices. 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: 52 Objecting: 52 Supporting: 0

- 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>Residential amenity considerations</i>	
<ul style="list-style-type: none"> • Inappropriate for HGV and trucks to be in close proximity to residential properties - increase in noise • Noise assessment is flawed and inadequate • Increased activity, HGV's and vehicles is excessive in residential area • Unsuitable for operations proposed 	See Paragraphs 8.16 to 8.26
<ul style="list-style-type: none"> • Landscape scheme is inadequate • Visual intrusion from storage units and the scheme as a whole 	See Paragraph 8.16 to 8.17 See Paragraph 8.16 to 8.17
<ul style="list-style-type: none"> • Impact of fumes and building aggregates on health • Lack of an Air Quality Assessment • Dust, diesel fumes and nitrous oxide from HGV's is harmful to health 	See Paragraphs 8.19 to 8.26
<i>Highway safety and traffic</i>	
<ul style="list-style-type: none"> • A22 cannot handle the additional traffic and increase activity 	See Paragraphs 8.27 to 8.31

<ul style="list-style-type: none"> • Dangerous for pedestrians • Transport assessment does not include access only turning 'T' • The applicants submission and historic safety report is inaccurate and incorrect with regards to reversing on the A22 and the need for the turning 'T' 	<p>The applicants have clarified this issue. The HGV's are not currently reversing onto the A22 but onto the adjacent site (SES Water). The proposal allows HGVs to safely conduct a three-point turn prior to exiting the site in forward gear.</p>
<i>Environmental considerations</i>	
<ul style="list-style-type: none"> • FRA does not provide any additional mitigation for the new concrete area in a flood plain • Building on a floodplain and increase flood risk • Air pollution and air quality 	<p>See Paragraph 8.10 to 8.13</p> <p>See Paragraph 8.10 to 8.13</p> <p>See Paragraph 8.19 to 8.26</p>
<i>Other</i>	
<ul style="list-style-type: none"> • The site has never received planning permission for the retail element • The builders yard extension does not have planning permission and should not let this unlawful development remain • The business should be relocated and bought forward for housing • Inappropriate development of the scale in residential area- should be housing • Not carried on consultation with residents 	<p>The current application seeks planning permission for the retail element and the extension to the builder's yard.</p> <p>The planning merits of the application should be considered. This is not an allocated site for housing.</p> <p>The consultation for the application was carried out to meet statutory requirements.</p> <p>The applicants also held a meeting in June 2016 to discuss the proposals with local residents.</p>

6.3 Councillor Jan Buttinger [objecting] has made the following representations and referred the application to Planning Committee:

- There is no air quality assessment supplied
- Wish to challenge the noise assessment which has been supplied and object to that.

6.4 Representations have been made from the following local groups/societies:

- Glenside Residents Association [objecting] on the same grounds as those summarised in the table above.

7 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 2018 and the South London Waste Plan 2012.

7.2 Government Guidance is contained in the National Planning Policy Framework (NPPF), issued 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.

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

7.4 Consolidated London Plan 2015

- 2.7 Outer London Economy
- 4.1 Developing London's economy
- 4.4 Managing Industrial Land and premises
- 4.8 Supporting a successful and diverse retail sector and related facilities and services
- 5.12 Flood Risk Management
- 5.13 Sustainable drainage
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking
- 7.4 Local Character
- 7.8 Heritage Assets and Archaeology
- 7.14 Improving air quality
- 7.15 Reducing and managing noise
- 7.21 Trees and woodland

7.5 Croydon Local Plan 2018:

- SP3 Employment
- SP6 Environment and Climate Change
- SP8 Transport and Communication
- DM10 Design and Character
- DM18 Heritage Assets and Conservation
- DM23 Sustainable Design and Construction
- DM24 Land Contamination
- DM25 Sustainable Drainage systems and reducing flood risk
- DM29 Promoting sustainable travel and reducing congestion
- DM30 Car and cycle parking in new development

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. Flood Risk
3. Impact on the visual amenities of the area
4. Impact on the residential amenities of the adjoining occupiers and the environment
5. Transportation considerations

Principle of Development

8.2 There are several parts of this site and these will be explained below.

Overall use of the site and Trade Counter Area

8.3 There is permission for the use of the original site for B8 (Storage and Distribution) (91/01489/P). The business has evolved over time and Allmat are operating the B8 builders' merchant business with a retailing element (trade counter) on the site. However, the retail element of the business (the trade counter) falls within use class A1 and has not been granted planning permission. The current use of the site is therefore sui generis. The applicant previously attempted to establish that the use of site as a builder's merchant was lawful (through lapse of time) but was unable to prove, on the balance of probability that this use had been in place (continuously) for a period in excess of 10 years. In the absence of this evidence, the current application seeks to regularise the current mixed use of the site.

8.4 The Croydon Local Plan (Table 5.1) adopts a 4 tier approach to the retention and redevelopment of land for employment generating activities. This site is classed as a Tier 4 scattered employment site. The main use of site has been established since the 1990's. There are currently 19 full time employees and the majority of the customers are considered to be trade. The trade counter constitutes approximately 8.5% of the internal operational area (Figure 3 and 5). Whilst this area is primarily to assist customers who have pre-purchased stock and wish to collect, customers do turn up on the spot to place an order and purchase products 'off the shelf'. It is estimated that the ratio of trade sales to general customer sales is around 80:20 (by turn-over). The operation of this element of the site results in the use overall being sui generis as it is a mix of a B8 and A1 use. The retail sale element is a small component of the operation of this site (both in terms of area and turn over) and is a reasonable operation of this type of use and does not result in a conflict with the provision of an employment generating use. This element is therefore considered acceptable.

Warehouse Storage Areas

8.5 Building 'B' and most of Building 'A' set out in Figure 2 comprise warehouse space for the storage of building materials for sale. These areas are not accessible to the public. These areas constitute a B8 use class and are in line with the Tier 4 site classification.

External Storage Area and parking

- 8.6 Building materials are stored externally around the site. The main external storage area is located adjacent to Building A to the south west with some storage immediately outside Building A and Building B. This also includes five existing storage containers and carcassing. As part of the proposals, the storage containers are to be replaced with new storage containers. The full details of the appearance will be secured as part of a condition.



Figure 5: Extracts from the site layout plan showing the areas of retailing and main areas of external storage.



Figure 6: Photo of current storage areas and carcassing.

The area also includes 8 customer car parking spaces. The storage area and warehousing are B8 use class and are in line with the Tier 4 policy approach. The principle of this use is therefore acceptable.

Proposed Extended Area

8.7 The proposal also includes the extended area which is the area set out below.



Figure 7: The Proposed Extended Area

8.8 This area includes a “Turning Head” which provides a designated area that allows HGV’s to safely conduct a three point turn prior to exiting the site in forward gear. The blue hatch also shows staff parking. There is space for external storage and carcassing. Full details of the height, appearance and finish of the carcass will be subject to condition.

The “Turning Head”, car parking, carcassing and external storage areas are considered to be required for the overall function of Allmat’s operation and acceptable in principle subject to related amenity, flood risk and highway safety considerations.

8.9 To conclude on the principle issues, this application seeks to regularise an on-going breach of planning control resulting from the operation of the retail counter and creation of a mixed use and the use of the extended area. This sui generis use is primarily focussed around storage and distribution activities and constitutes an employment generating use and is therefore acceptable in principle. The reconfiguration and extension of internal and external storage and ancillary arrangements (parking, turning and servicing) contribute to the operation of the employment generating use and also contribute to the proper operation of the activities, the majority of which have been in place over a number of years.

Flood Risk

8.10 The site is located in Flood Zone 2 and 3 due to its proximity to the Caterham Bourne and is in an area prone to surface water flooding and groundwater flooding. The applicant has submitted a Flood Risk Assessment and an Addendum to the FRA as

part of their proposal. No objections have been raised by Environment Agency or the Lead Local Flood Authority, subject to the imposition of conditions. A number of comments received from local residents have suggested that the site should be more suitably redeveloped for residential purposes. The local planning authority is required to determine the planning application before it and in any case, the principle, of residential development is likely to be severely compromised, in view of the inherent flood risks associated with such use – with high levels of vulnerability.

8.11 The risk posed to the site from flooding is acknowledged. The existing use is classified by the Environment Agency's flood risk vulnerability classifications as "Less Vulnerable", which is an appropriate use in areas with this risk of flooding. The proposal does not involve significant alterations to ground levels, erections of large enclosed buildings or removal of flood storage capacity and so is not considered to have a significant potential to increase flood risk elsewhere. There would be a minor increase in surface run off due to increased hardstanding which would require mitigation. As such, subject to mitigation measures, the flood risk posed from and to the development would be acceptable.

8.12 The following list provides a summary of the mitigation proposed from the Addendum to the FRA for each flood risk related issue at the site:

- Surface water flood risk to and from the "Turning Head" – runoff is collected and discharged to the improved drainage system for the wider site.
- Flood risk from the Caterham Bourne – as outlined within the FRA, the management for the entire site will sign up to the Environment Agency Flood Warning System and a protocol to be followed on receipt of a warning has been established (see FRA). An emergency protocol has also been established for implementation if the Caterham Bourne is running at full capacity.
- Flood risk from groundwater – the "Turning Head" is above the existing ground level. Although there is a risk of groundwater emergence, it would not be considered necessary or appropriate to raise the level of the "Turning Head". Given the "Turning Head" is of a low vulnerability classification (in relation to the NPPF vulnerability classifications) this level of risk is considered acceptable. The drainage pipework has been designed in consideration of uplift as a result of a high ground water level.
- In relation to pollution risk associated with flooding, no hazardous materials will be stored on the site. This will prevent the mobilisation of pollutants from the site during flood conditions and ensure that the development of the "Turning Head" does not increase the risk of pollution events in the Caterham Bourne. There are no other known sources of flood risk to the site, or that would arise from the installation of the "Turning Head" that would require mitigation.

8.13 The above flood risk mitigation measures are considered suitable for the site.

Impact on the Visual Amenities of the Surrounding Area

8.14 The site is located approximately 10.2m distance from the rear of the properties in Garston Gardens (along Godstone Road), approximately 15.95m from Bourne View and approximately 16.88m from Glenside Close and Valley Road.

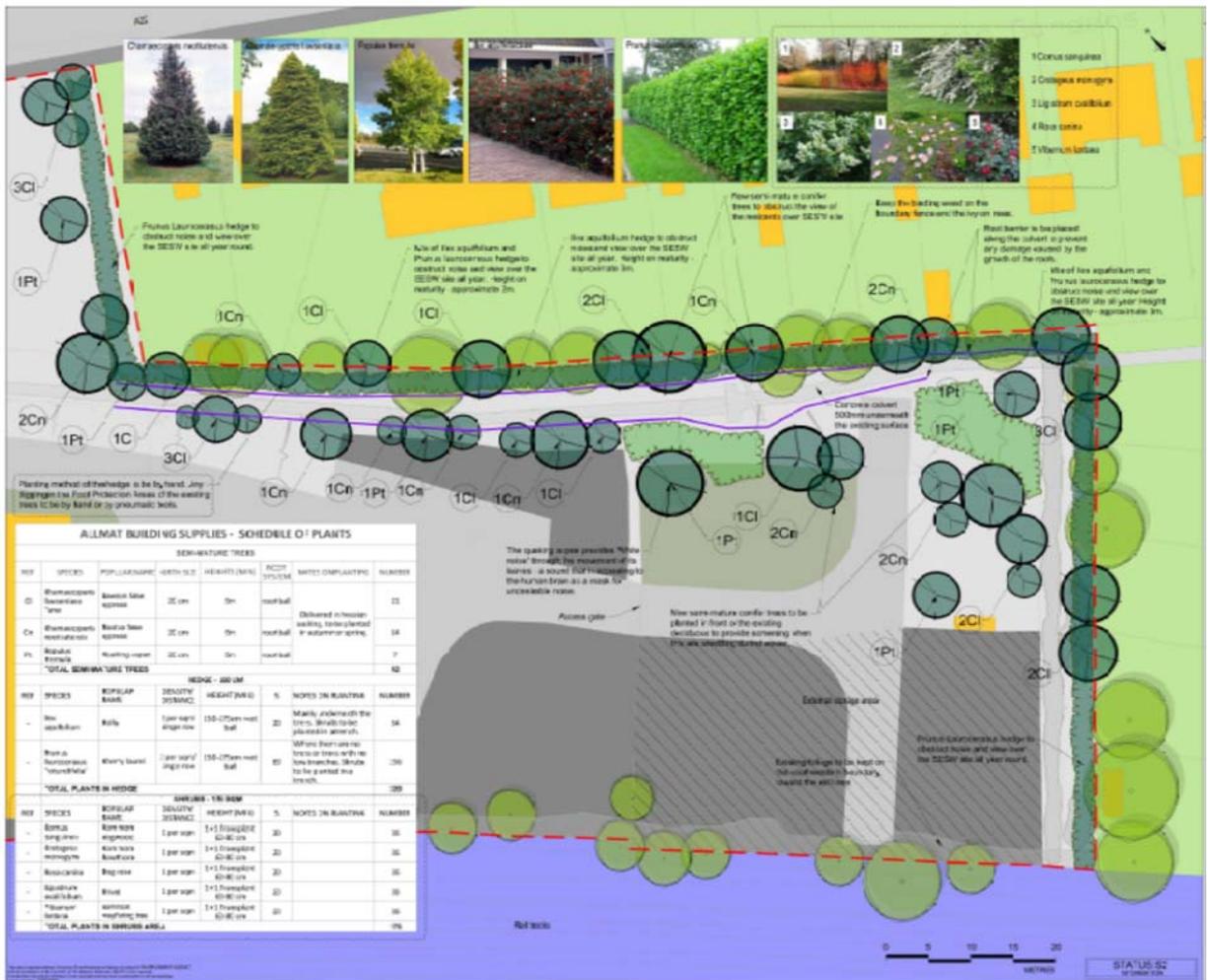


Figure 9: Landscaping plan

8.18 It is also important to note that the site has been used by some form of builder's merchants since the 1990's and the impact of the builder's merchants on the local amenity is well established. The extended area is only for the "Turning Head", storage and staff parking and therefore resulting in a slight intensification of the use. The main business is within the established area. The application is accompanied by an Acoustic Impact Assessment, Acoustic Management Plan and Noise Management Plan. The business premises are open from 7am to 5pm on weekdays and 8am to 12pm on Saturdays. There are no deliveries on Saturdays. Some Allmat employees begin to arrive on site at 6am with the remainder having arrived by 7am. Employees typically leave by 6pm. These activities will continue – controlled through use of planning conditions.

8.19 The Acoustic Impact Assessment (dated 11th September 2018) conducted by Atkins, for the applicants, was carried out in accordance with the relevant British Standard 4142:2014 "Methods for rating and assessing industrial and commercial sound" (BS 4142). It is worth noting a comparison has been made in the reports based on the highest lorry turn event sound and train pass sound levels. It can be seen in the table below and it can be seen the sound levels from the train pass are higher than the lorry turn event sound levels. This result shows that properties are already subject to higher sound levels from regular occurring acoustic events such as trains (which are 8 per hour- 4 each way).

Item	Event	
	Lorry turn, t = 64 s	Train pass, t = 30 s
Equivalent continuous sound level $L_{Aeq,t}$ at receptor R1	53 dB	59 dB
Maximum sound level $L_{Amax,F}$ at receptor R1	62 dB	68 dB

8.20 The Council's Pollution Team have also reviewed the documents and concluded this is robust and satisfactory in its methodology and conclusions that the impact on residential properties is acceptable. It concludes:

“BS 4142 assessment of the typical HGVs driving on the turning ‘T’ has indicated no adverse acoustic impact. This conclusion is supported by the results of the comparison between the sound levels generated by a HGV turning event and a typical train pass – the latter event occurs more frequently and has been predicted to result in higher sound levels at the sensitive receptors. This result provides a further indication of no potential adverse impact from the HGV Sound emissions should therefore not constitute a constraint with regards to the planning application for the proposed use of the HGV turning facility.”

8.21 This conclusion is accepted by the Council's Pollution Team. The assessment also recommends measures for further mitigation in an Acoustic Management Plan. This is subject to planning condition.

8.22 In the interests of good management and further minimising impact on neighbouring residents, a Noise Management Plan has been prepared by the applicants which concentrates on driver behaviour and good practice. This is also subject to planning condition.

8.23 There have also been objections relation to dust, air quality and particles, fumes and human health. The Council's Pollution Team have reviewed the application with regards to these matters.

8.24 Due of the nature of the site operation an Air Quality Dust Risk Assessment (AQDRA) was required instead of an Air Quality Assessment and was duly submitted by the applicant (conducted by Phlorum – dated November 2018). This focuses on fugitive emissions of dust and fine particulate matter (PM10 & PM2.5). The assessment was conducted in accordance with The UK Air Quality Strategy (UKAQS), the Local Air Quality Management regime under the Environment Act 1995, the National Planning Policy Framework (NPPF), Local Planning Policy and the London Plan. Its methodology was based upon Guidance from the Institute of Air Quality Management. The Council's Pollution Team stated that the methodology and conclusions are quite satisfactory. The assessment concluded that:

“the risk of significant impacts due to the operation of the site, in the absence of mitigation, was low. With the adoption of appropriate mitigation measures, as detailed in this report and in Appendix A, dust emissions should not cause any significant off-site effects.”

8.25 The Council's Pollution Team recommended that the applicant observed the recommendations of the AQDRA, including all mitigation measures such as site

management including contact details, no idling vehicles, water sprays and damping down on dry days. This is secured by condition.

8.26 Overall the proposal would not have a significant adverse impact on the amenity of neighbouring residents or the environment.

Transportation Considerations

8.27 The applicant has submitted a Transport Statement and Delivery and Service Plan with the application. The “Turning Head” would allow large vehicles to easily turn safely separately from the operations of the rest of the site and so avoid staff, customers, parked/ moving cars and building products. No alterations are proposed to the access of the site to Godstone Road.

8.28 Vehicles would then be able to use the turn facility to turn around and leave the site in a forward direction. This will improve the operational safety of the yard as vehicles will manoeuvre in a separate area to vehicles being loaded and unloaded, customers walking around the site and vehicles parking. A vehicle swept path analysis is included in the Transport Statement report which demonstrates that the largest expected vehicle could satisfactorily manoeuvre in the site. The applicant has stated currently, HGV’s conduct unsafe and dangerous manoeuvres onto Godstone Road in order to exit the site. Therefore facilities available to enable HGV’s to enter and exit in forward gear should be welcomed.



Figure 10: Vehicle Entry/Exit Procedures

8.29 There are approximately six deliveries per day on average, with no deliveries taking place on Saturdays. The vehicles range from vans to articulated vehicles. On average, it takes around 20 minutes to unload a typical delivery.

8.30 The proposed customer parking allocation (7 spaces) with 1 disabled person’s space is acceptable. There is also space for staff parking and cycle parking in the extended area.

8.31 It is important to note this is an existing builders merchants, with existing HGV's and movements. The staffing levels and business has not increased due to the provision of the additional area for additional storage area, staff parking or the "Turning Head". The proposal would represent a safer internal configuration to allow easier access and egress from the highway and so is considered to be beneficial.

Conclusions

8.32 The recommendation is to grant planning permission. The principle of development is considered acceptable within this area given the historic use of the site over many years. The retention of the external storage area associated with the adjacent builder's merchants and the hard standing, new storage containers and carcassing would not be overly harmful on the visual amenities of the area.

8.33 With a combination of additional landscaping, control over hours of use and dust mitigation and in view of the existing relationship, officers are satisfied that the extended use of the site as a builders merchants (with associated stacking and external storage) would be acceptable in terms of the residential amenities of the adjoining occupiers along with the impact on the highway conditions. To conclude, the proposal would be acceptable and in accordance with the relevant policies.

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