



PART 6: Planning Applications for Decision

Item 6.5

1 SUMMARY OF APPLICATION DETAILS

Ref: [17/03208/FUL](#) (*Link to associated documents on Planning Register*)
 Location: 49-51 Beulah Hill, Upper Norwood, SE19 3DS
 Ward: Upper Norwood
 Description: Demolition of two existing buildings: erection of a part 6, part 7 storey building (Block A) and part 4, part 5 and part 6 storey building (Block B) comprising a total of 30 flats (5 x 1-bedroom; 17 x 2-bedroom; 6 x 3-bedroom; and 2 x 4-bedroom flats) and a 2-storey building (Block C) comprising 3 x 3-bedroom townhouses with the provision of 17 car parking spaces (including wheelchair accessible parking), 60 cycle parking spaces, refuse and recycling area, associated landscaped communal amenity areas and formation of vehicular access
 Drawing Nos: 16002(PL)099B-EXISTING_; 16002(PL)101C-PROPOSED PLAN_BASEMENT; 16002(PL)102D-PROPOSED PLAN_LOWER GROUND; 16002(PL)103E-PROPOSED PLAN_GROUND; 16002(PL)104C-PROPOSED PLAN_FIRST; 16002(PL)105C-PROPOSED PLAN_SECOND; 16002(PL)106C-PROPOSED PLAN_THIRD; 16002(PL)107B-PROPOSED PLAN_FOURTH; 16002(PL)108B-PROPOSED PLAN_FIFTH; 16002(PL)110-PROPOSED PLAN_SIXTH; 16002(PL)109B-PROPOSED PLAN_ROOF; 16002(PL)110B-PROPOSED ELEVATIONS AA BB; 16002(PL)111B-PROPOSED ELEVATION CC; 16002(PL)112A-PROPOSED ELEVATIONS DD EE; 16002(PL)113B-PROPOSED ELEVATIONS FF GG HH; 16002(PL)127B-Proposed Block C; 16002(PL)128-Proposed Block A&B; 16002(PL)129-Proposed Block A&B; 16002(PL)130-Proposed Block A&B; 16002(PL)131-Proposed Block A&B; 16002(PL)132-Proposed Block A&B; 16002(PL)133-Proposed Block A&B; 16002(PL)134-Proposed Block A&B; 16002(PL)135-Proposed Block A&B; 16002(PL)136-Proposed Block A&B; and 16002-BR-171010 Addendum rev_B.compressed.
 Applicant: Regent Land & Development Ltd
 Agent: GVA
 Case Officer: Michael Cassidy

	1 bed	2 bed	3 bed	4 bed	Total
Market Rent	4	11	9	2	26
Shared Ownership (Intermediate)	1	6	0	0	7
Total	5	17	9	2	33

Number of car parking spaces	Number of cycle parking spaces
17 (4 disabled)	60

- 1.1 This application is being reported to Planning Committee because the proposal is for a small scale major development and the Chair of the Planning Committee has requested that it be referred.

2 RECOMMENDATION

- 2.1 That the Planning Committee resolve to GRANT planning permission subject to:

- A. The prior completion of a S106 legal agreement to secure the following planning obligations:
- a) Affordable housing provision to include 7 residential units (21% of total) within Block A with all units (1 x 1-bed; and 6 x 2-bed units) being shared ownership;
 - b) Affordable housing review mechanism and nominations agreement(early and late stage review mechanisms in accordance with the Mayor of London Affordable Housing and Viability SPG 2017);
 - c) Carbon off set contribution of £64,200
 - d) Travel Plan
 - e) Car club
 - f) Restriction on parking permits
 - g) Air quality contribution of £3,300
 - h) Local Employment and Training Strategy and Employment Contribution of £19,865
 - i) TV signal mitigation
 - j) Retention of scheme architects (or a suitably qualified alternative architect)
 - k) Highway works - a S278 agreement to cover reinstatement of footway following removal of crossovers and any other associated highway works to facilitate the development
 - l) Monitoring fees (in accordance with the LB Croydon S.106 Planning Obligations/CIL Review 2017).

- 2.2 That the Director of Planning and Strategic Transport has delegated authority to negotiate the detailed term of the legal agreement, securing additional/amended obligations if necessary.

- 2.3 That the Director of Planning and Strategic Transport has delegated authority to issue the planning permission and impose conditions [and informatives] to secure the following matters:

Conditions

- 1) Time limit of 3 years
- 2) In accordance with approved plans

- 3) Full details of materials, including samples, and design detail
- 4) Typical façade details at 1:1
- 5) Details of hard and soft landscaping, including green and brown roofs, including children's play area
- 6) Tree Planting Strategy
- 7) Tree Protection Plan
- 8) Landscaping and public realm management and maintenance strategy
- 9) Proposal for the treatment of any gates proposed for the basement access
- 10) 10% of the dwellings shall be designed to be Category 3 'Wheelchair user dwellings'
- 11) 90% of the dwellings shall be designed to be Category 2 'Accessible and adaptable'
- 12) Provision of cycle parking and disabled resident parking prior to first occupation
- 13) Provision of electric and passive vehicle charging points
- 14) Submission of details of the car club
- 15) Details of refuse collection arrangements
- 16) Detailed Construction Logistics Plan (to include site waste management plan) and Construction Environment Management Plan
- 17) Submission of and compliance with detailed Travel Plan.
- 18) Details of Air handling units/Plant/Machinery and screening to be submitted
- 19) Photovoltaic panel details to be submitted
- 20) Noise standard compliance for living rooms and bedrooms
- 21) Piling method statement to be submitted
- 22) Compliance with Air Quality Assessment and submission of air quality Low emission strategy
- 23) Secured by Design
- 24) Petrol and oil receptors provided in car park areas
- 25) Submission of biodiversity enhancements
- 26) Submission of sustainable urban drainage strategy (detailing any on and/or off site drainage works)
- 27) Water consumption
- 28) Any other planning condition(s) considered necessary by the Director of Planning

Informatives

- 1) Development is CIL liable
- 2) Construction site code of conduct
- 3) Thames Water informative
- 4) Subject to a legal agreement
- 5) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport.

2.4 That, if by 30th February 2018 the legal agreement has not been completed, the Director of Planning and Strategic Transport has delegated authority to refuse planning permission.

3 PROPOSAL AND LOCATION DETAILS

Proposal

3.1 The application seeks permission for the following:

- Demolition of two existing houses (Nos 49 and 51 Beulah Hill) and associated outbuildings;

- Erection of a part 6, part 7 storey building (Block A) and part 4, part 5 and part 6 storey building (Block B) comprising a total of 30 flats (5 x 1-bedroom; 17 x 2-bedroom; 6 x 3-bedroom; and 2 x 4-bedroom flats) and a 2-storey building (Block C) comprising 3 x 3-bedroom townhouses;
- The provision of 17 car parking spaces (including 4 disabled and 2 visitor parking spaces at basement level accessed from Spurgeon Road);
- The provision of 60 cycle parking spaces at basement and lower ground floor levels accessed from Spurgeon Road and within the building; and
- Amenity space areas including private balconies and rooftop amenity space for the future residents of Blocks A and B and private front and rear gardens for the townhouses (Block C). The development proposes a total of 174sqm of communal amenity area at lower ground level which equates to 5sqm per residential unit, in addition to private amenity space including, balconies, terraces and private gardens of which every unit benefits from at least one of these. A soft landscaped area is to be provided on the north east frontage onto Beulah Hill with the portion of Council owned open land being shown with indicative landscaping to illustrate how this area could be designed to complement the wider development.

3.2 Since its original submission, the proposal has been redesigned to retain the existing TPO Copper Beech Tree (T2) at the front of the application site. The following main amendments have been made:

- Unit Mix - a change in the mix of units, whereby the total number (33) of units has remained the same, but the number of family-sized units has been increased from 27% (41% in habitable rooms) to 33%;
- Layout - the original site layout of the frontage blocks was set in parallel with Beulah Hill and Spurgeon Road. The current building form along Spurgeon Road remains largely the same but the Beulah Hill facades have been significantly set back to accommodate the retention of the existing TPO Copper Beech tree (T2);
- Scale – the heights of the blocks was revised during the application process, this was driven mainly to ensure the building layout didn't affect protected trees, leading to layout changes and revisions to massing.
- Car Parking - 17 secured and covered car spaces are proposed; and
- Landscaping – 174sqm ground floor communal amenity space is proposed, and this allows an increase in the landscaped area fronting Beulah Hill to retain the existing TPO Copper Beech tree.

3.3 The following table provides a comparison between the 2 previously refused schemes and current proposal:

	Refused Scheme 2014	Refused Scheme 2015	Current Scheme
No of Units	62	38	33
No of Car Parking Spaces	61 (no disabled parking proposed & no electric vehicle charging points)	39 (including disabled) deemed excessive, manoeuvring space substandard & no vehicle electric charging points.	17 (including 4 disabled) & electric vehicle charging points
Car Parking Ratio	1.0	1.0	0.5
No. of disabled parking spaces	0	5	4 (& 2 visitor)
No. of cycle spaces	Lack of detail & none for affordable units	1 space per unit & lack of detail	60
Vehicular Access	Access off Beulah Hill & Spurgeon Road	Two accesses off Beulah Hill	Southeast of site from Spurgeon Road
General Design	<ul style="list-style-type: none"> • Arch shape building footprint (wall of development); • Overly dominant appearance & out of keeping with context; • Visually imposing & intrusion onto properties at Spurgeon Road & Menlo Gardens; • Need for simplification of elevations; and • Too many materials proposed/ visually chaotic. 	<ul style="list-style-type: none"> • Three Buildings – 4-6 storeys; • Lack of design cohesion; • Boundary treatment poorly defined; • Block C unacceptable height & imposing on No 72 Spurgeon Road; • Site Frontage dominated by car parking & hard surfacing; and • No sense of arrival to development. 	<ul style="list-style-type: none"> • Simplification of elevational treatment & materials used; • Balconies creating activation of street frontage onto Sturgeon Road; • Reduction of massing at upper storeys; • Reduction in height of Block C down to 2 storeys to relate positively to No 72 Spurgeon Road; • Retention of trees, vegetation & soft landscaping to front of site; and • Pedestrian entranceway between Blocks A & B creates sense of arrival.

Site and Surroundings

- 3.4 The site (which is 0.19 hectares in area) is located on the southern side of Beulah Hill, on the corner adjacent to the junction with Spurgeon Road (on the north-west side of Spurgeon Road).
- 3.5 Beulah Hill (the A215) is a London Distributor Road and Spurgeon Road is a Local Distributor Road. To the west of the site is the Beulah Hill Conservation Area and the Harris Academy Upper Norwood lies to the south of the site and is designated as Educational Open Space.
- 3.6 To the immediate south lies 72 Spurgeon Road, which is a bungalow, but also has a basement level. To the immediate north-west of the site is a 6 storey block of flats, which has two additional basement levels to the rear. To the west are two storey dwellings in Menlo Gardens. These properties are located at a much lower level than the application site. To the south-west is a block of flats on the corner of Beulah Hill and Spurgeon Road, which is 5 storeys in height on the Beulah Hill frontage, but steps down to 2 storeys at the rear. On the opposite side of Beulah Hill are a mix of housing types, with 2-3 storey houses and flats. Number 54 Beulah Hill (opposite) is a 3 storey building with rooms in the roof that has been converted to flats and is Grade II Listed. Properties in Spurgeon Road are generally 2 storeys in height.
- 3.7 The site is occupied by 2 a 2 storey houses, it is noted that number 51 also has a basement. These properties are set in large plots. There are various outbuildings in the rear gardens of these properties.
- 3.8 There are significant land level changes, both within the site and in the surrounding area. The land level falls away sharply to the south of Beulah Hill and also falls to the west. Therefore, the 2 storey properties in Menlo Gardens are at a significantly lower level, with the roofs of these properties at a level below that of Beulah Hill.
- 3.9 There are a number of prominent trees along the boundary with Spurgeon Road and within the existing front gardens of the existing properties fronting Beulah Hill. An Oak tree (T1) and Copper Beech tree (T2) are protected by Tree Preservation Order 42, 2014.

Planning History

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

Application Site

- 15/03518/P - Planning permission was refused on 21st September 2015 for the demolition of two existing dwellings; and construction of three buildings up to 6 storeys with basement parking comprising a total of 38 flats; formation of vehicular access and provision of associated car parking.

The Application was refused for similar reasons to those set out under the 2014 refused planning application below.

The current application is materially different from the appeal scheme, and as such has been the subject of a separate planning assessment, in addition to a consideration as to whether the scheme overcomes previous reasons for refusal.

- 14/03518/P – Planning permission was refused on 19th December 2014 for the demolition of two existing dwellings; erection of six storey building with basement comprising 62 flats; formation vehicular access and provision of 61 car parking spaces. The application was refused for the following reasons:
 1. The proposal would result in overdevelopment of the site and would therefore be out of keeping with the character of the area and detrimental to the appearance of the street scene, by way of the building's density, scale, bulk, height and massing;
 2. The development would include an insufficient level of provision for affordable housing and no viability statement was submitted to justify why a greater provision would not be viable;
 3. The development would be detrimental to the visual amenity of the street scene by way of its scale, height, massing, design and use of materials;
 4. The development would be detrimental to the amenities of the occupiers of the adjoining property by reason of its size and siting, resulting in overbearing impact, loss of light, overlooking and loss of privacy, and visual intrusion;
 5. The development would result in a poor quality of accommodation for future occupiers, by reason of high proportion of single aspect flats, unsatisfactory amenity space and an insufficient number of wheelchair accessible/ easily adaptable dwellings;
 6. The development would create hazard to pedestrians and vehicular traffic on the existing highway due to inadequate visibility splays and location of an access in close proximity to the junction of Beulah Hill and Spurgeon Road;
 7. Inadequate provision of information demonstrating that the development would not impact negatively on traffic generation on the surrounding highway network and does not promote sustainable transport;
 8. Development likely to give rise to a worsening of on street parking problems and would reduce the flow and safety of traffic on adjoining highways;
 9. Development would result in the loss of valued trees along the boundary of Spurgeon Road and in the front gardens of 49-51 Beulah hill;
 10. Development fails to demonstrate that future occupiers of the site would not be adversely affected by noise and disturbance from traffic along Beulah Hill as no noise survey was submitted in support of the planning application;
 11. No demonstration of the capability to minimise CO2 emissions in accordance with the energy hierarchy set out by the Council and no demonstration of the development achieving a 40% improvement on the 2010 Building Regulations and absence of a submitted energy statement and details of sustainable design standards.

A planning appeal was subsequently lodged (Ref: APP/L5240/W/15/3038264) which was dismissed in October 2015, with the Inspector citing the following main reasons for dismissing the appeal:

- The impact on the character and appearance of the area;
- The proposal does not make adequate provision for affordable housing;
- The impact on the living conditions of neighbouring residents and of future occupants of the proposed flats;
- The impact on highway safety, sustainable transport and the adequacy of the parking provision; and
- Whether the proposal adopts sustainable design standards.

4 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 4.1 There is no objection in principle to the proposal. A residential development is appropriate given the existing use of the site as residential accommodation, the character of the surrounding area and the significant housing demand within the Borough.
- 4.2 It is considered that the development would contribute positively to the surrounding townscape and its design is visually pleasant, well thought through and the materials and details of high quality. The proposal would sit comfortably with neighbouring buildings in Beulah Hill and Spurgeon Road and within the streetscene and would be in accordance with design, conservation and heritage policies.
- 4.3 The proposed housing density is above that outlined as normally acceptable in the London Plan. However, it is noted that the density matrix should not be applied with rigidity. Given the context of this site, the higher density is appropriate.
- 4.4 The proposal would provide an appropriate mix of London Plan complaint units (5 x 1-bedroom; 17 x 2-bedroom; 9 x 3-bedroom; and 2 x 4-bedroom) to meet a variety of demands across the Borough in accordance with Policy 3.8 of the London Plan.
- 4.5 All of the proposed units would meet the National technical housing standards in terms of overall size and bedroom size. All of the units would also meet the requirements outlined in the Housing SPG in relation to amenity space quantum and minimum dimensions and would provide a good standard of accommodation.
- 4.6 The proposal would provide 7 affordable units all as shared ownership units (21% of total units) comprising 1 x 1-bedroom and 6 x 2-bedrooms units. This offer has been subject to extensive viability testing and is considered to be the maximum reasonable level of affordable housing, which still allows the scheme to be financial viable and deliverable. This is less than the Council's policy aim, which is for 50% of units to be affordable. The applicant has agreed to undertake early and late stage affordable housing review being included in the legal agreement (so that increased levels of affordable housing could be secured if the development economics of the scheme improve). Given this and the constraints of the site, the proposed tenure split is considered acceptable.
- 4.7 The proposed development would meet all relevant residential space standards and makes adequate provision for private and communal amenity space and play space. Adequate levels of daylight would also be provided within the flats for future residents.
- 4.8 Given the proposed design and positioning of the proposed development and the separation distances between proposed residential units and with neighbouring residential properties in Beulah Hill and Spurgeon Road, the proposal would not

result in any undue loss of outlook or privacy to the existing occupiers of neighbouring residential properties and to future occupiers of the development.

4.9 With suitable conditions (which are recommended) to secure mitigation, the development is considered acceptable with regards to its environmental impacts, specifically in relation to internal noise conditions, air quality impacts and flood risk.

4.10 The highways impacts of the development would be acceptable. 17 parking spaces would be provided at basement and lower ground floor levels including 4 disabled spaces to serve wheelchair users who may occupy the development and 60 cycle parking spaces in accordance with the London Plan's cycle standards. The Council's Highways advisor has raised no objection to the proposals.

4.11 The building would have a sustainable construction, meeting all of the relevant sustainability standards.

5 CONSULTATION RESPONSES

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

5.2 The following organisations were consulted regarding the application:

Thames Water

5.3 Thames water have confirmed no objection to the proposal subject to a condition requiring details of any piling being attached to any planning permission granted together with informatives relating to surface water drainage, groundwater discharge, water pressure and advising of the presence of a main crossing the site which may need to be diverted at the developer's cost.

6 LOCAL REPRESENTATION

6.1 The application has been publicised by way of one or more site notices displayed in the vicinity of the application site. The application has also been publicised in the local press. 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: 20 Objecting: 20 Supporting: 00

No of petitions received: 00

6.2 The following Councillor and Member of Parliament made representations were received:

Councillor Scott (Chair of the Planning Committee) has referred the application to Committee to allow further consideration and given the following issues:

- 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;
- Parking provision;
- Affordable housing provision;

- Mix of residential units; and
- Extent to which the previous reasons for refusal have been addressed.

6.3 The 20 representations received raised the following concerns:

- Overdevelopment of the site;
- Out of keeping with the existing density and character of the area;
- Visually overbearing and intrusive design;
- Detrimental impact on trees;
- Loss of light;
- Noise and disturbance;
- Overlooking and loss of privacy;
- Increase in traffic;
- Lack of car parking provision; and
- Prejudicial to pedestrian and highway safety.

6.4 The above concerns that are material to the determination of the application, are addressed in substance in the 'MATERIAL PLANNING CONSIDERATIONS' section of this report, or by way of planning condition or planning obligation.

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: 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; and
- Requiring good design.

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

7.4 London Plan 2017:

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.7 Large residential developments

- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.12 Negotiating affordable housing
- 3.13 Affordable Housing thresholds
- 4.10 New and emerging economic sectors
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.13 Sustainable drainage
- 5.15 Water use and supplies
- 6.3 Effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Tall and large buildings
- 7.14 Improving Air Quality
- 7.15 Reducing and managing noise
- 7.21 Trees and Woodland
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

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

- SP1.1 Sustainable Development
- SP2.1 Homes
- SP2.2 Quantities and Locations
- SP2.3 Affordable Homes - Tenure
- SP2.4 Affordable Homes - Quantum
- SP2.5 Mix of homes by size
- SP2.6 Quality and Standard
- SP4.1-4.3 Urban Design and Local Character
- SP4.7-4.10 Public Realm
- SP4.13 Character, Conservation and Heritage
- SP6.1 Environment and Climate Change
- SP6.2 Energy and CO2 Reduction
- SP6.3 Sustainable Design and Construction
- SP7.4 Enhance biodiversity
- SP8.3-8.4 Development and Accessibility

- SP8.6 Sustainable Travel Choice
- SP8.7(h) Cycle Parking
- SP8.13 Motor Vehicle Transportation
- SP8.15-16 Parking

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

- UD1 High Quality and Sustainable Design
- UD2 Layout and siting of new development
- UD3 Scale and Design of new buildings
- UD6 Safety and Security and New Development
- UD7 New Development and Access for All
- UD8 Protecting residential amenity
- UD13 Parking Design and Layout
- UD14 Landscaping
- UD15 Refuse and Recycling Storage
- EP1 – EP3 Pollution
- EP5 - EP7 Water – Flooding, Drainage and Conservation
- T2 Traffic Generation from Development
- T4 Cycling
- T8 Parking
- H2 Supply of new housing
- H3 Housing Sites
- H4 Dwelling mix on large sites

7.7 Emerging Policies CLP1.1

- SP2.2- Quantities and locations
- SP2.3-2.6- Affordable Homes
- SP2.8- Quality and standards
- SP3.14- Employment and training
- SP4.13- Character, conservation and heritage
- SP6.3- Sustainable design and construction
- SP6.4- Flooding, urban blue corridors and water management
- SP8.9- Sustainable travel choice

7.8 Emerging Policies CLP2

- DM1- Housing choice for sustainable communities
- DM11- Design and character
- DM11.1- Quality and character
- DM11.2- Quality of public and private spaces
- DM11.4- Residential amenity space
- DM11.5- Communal residential amenity space
- DM11.6- Protecting residential amenity
- DM11.7- Design quality
- DM11.9- Landscaping
- DM11.10- Architectural lighting
- DM14- Refuse and recycling
- DM19.1- Character, appearance and setting of heritage assets
- DM19.9- Archaeology

- DM24- Development and construction
- DM25- Land contamination
- DM26.2- Flood resilience
- DM26.3- Sustainable drainage systems
- DM28- Biodiversity
- DM29- Trees
- DM30- Promoting sustainable travel and reducing congestion
- DM31- Car and cycle parking in new development

7.9 The Partial Review of Croydon Local Plan: Strategic Policies (CLP1.1) and the Croydon Local Plan: Detailed Policies and Proposals (CLP2) was approved by Full Council on 5th December 2016 and was submitted to the Planning Inspectorate on behalf of the Secretary of State on 3rd 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 modifications during the period 29th August – 10th October 2017.

7.10 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.

7.11 There is relevant Supplementary Planning Guidance as follows:

- London Housing SPG, March 2016
- Homes for Londoners: Affordable Housing and Viability SPG, August 2017
- National Technical Housing Standards, 2015
- National Planning Practice Guidance, 2014
- Play and Informal Recreation SPG
- Accessible London: Achieving an Inclusive Environment SPG
- Sustainable Design and Construction SPG
- SPG Note 3 – Designing for Community Safety
- SPG Note 10 – Designing for Accessibility
- SPG Note 12 – Landscape Design
- SPG Note 15 – Renewable Energy
- SPG Note 17 – Sustainable Surface Water Drainage
- SPG Note 18 – Sustainable Water Usage

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. Density, housing unit mix and affordable housing
3. Heritage, townscape and visual impact
4. Impact on adjoining occupiers
5. Quality of living environment provided for future occupiers

6. Environmental impacts
7. Transportation, access and parking
8. Sustainability
9. Other planning Matters

Principle of development

- 8.2 At the heart of the National Planning Framework 2012 (NPPF) is a presumption in favour of sustainable development which meets social, economic and environmental needs.
- 8.3 Croydon Local Plan Strategic Policies (CLP1) Policy SP1.3 states that the Council will seek to encourage growth and sustainable development. The NPPF also attaches great importance to significantly boosting the supply of new housing. Policy 3.3 of the London Plan further seeks to increase housing supply across the Capital, with minimum housing targets being set out in Table 3.1. For Croydon, the London Plan sets a minimum target of 1,435 residential units per year in the borough over the period of 2015-2025.
- 8.4 The scheme would provide a total of 33 new units on a site, currently occupied by 2 dwelling houses. In principle, no objection was raised by the Inspector in the 2015 appeal decision (ref. 14/03518/P) to the replacement of the existing houses with a flatted development. The core principles of the NPPF encourage the reuse of previously developed land. In light of the priority given to the delivery of a significant number of new dwellings the principle of the redevelopment of the site for a residential development is supported.

Density, housing unit mix and affordable housing

Density

- 8.5 Policy 3.4 of the London Plan states that taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output within the relevant density range shown in Table 3.2. Based on the public transport accessibility level (PTAL 2) and the site's suburban characteristics, the London Plan density matrix suggests a residential density of between 200 and 450 habitable rooms per hectare.
- 8.6 The residential density of the proposal would be 585 habitable rooms per hectare which exceeds the upper limit of the indicative range within the London Plan for a central area. However it is noted that the supporting text to Policy 3.4 of the London Plan confirms that the density matrix should not be applied mechanistically.
- 8.7 The Mayor's Housing SPG, at paragraph 1.3.12, further states that the density ranges should be "*used as a guide and not an absolute rule, so as to also take proper account of other objectives*". It does not preclude developments with a density above the suggested ranges, but requires that they "*must be tested rigorously*" (para.1.3.14). This will include an examination of factors relating to different aspect of "*liveability*" of a proposal (dwelling mix, design and quality of accommodation), access to services, impact on neighbours, management of communal areas and a scheme's contribution to '*place shaping*'. The impact of massing, scale and character in relation to nearby uses will be particularly important.

- 8.8 The SPG also considers the opportunities and constraints with regards to density on small sites (para.1.3.39). Responding to existing streetscape, massing and design of the surrounding built environment should be given special attention – where existing density is high, for example, higher density can be justified. Paragraph 1.3.40 notes that small sites require little land for internal infrastructure, and as such, it is appropriate for density to reflect this. These factors are all relevant to the development of the application site.
- 8.9 It is considered that the proposed residential development has been designed to deliver new homes within buildings that respond to their local context, taking into account both the physical constraints of the site and its relationship with neighbouring properties and the nearby townscape.
- 8.10 The proposed development exceeds the London density range. This is, however, justified by the quality of the accommodation, the design and its response to context, and the rigour the applicant has applied to assessing the acceptability of the scheme within these parameters. It delivers on London Plan policy by optimising additional housing on an underutilised brownfield site in a highly accessible location. The density of the development is therefore considered to be acceptable.

Housing Unit Mix

- 8.11 CLP1 Policy SP2.5 seeks to secure the provision of family housing and states the Council’s aspiration for 60% of all new homes outside of the Croydon Opportunity Area having three or more bedrooms. It is important to highlight that emerging policy differs from the existing policy, whereby 2 bed (4 person) units are also considered to be family accommodation.
- 8.12 The unit mix of the development is reproduced below for ease of reference:

	1 bed	2 bed	3 bed	4 bed	Total
Market Rent	4 (12%)	11 (33%)	9 (27 %)	2 (7%)	26 (79%)
Shared Ownership	1 (3%)	6 (18%)	0 (0%)	0 (0%)	7 (21%)
Total	5 (15%)	17 (51%)	9 (27%)	2 (7%)	33

- 8.13 The proposal allows for 34% three/four bedroom units and 51% two bedroom units. With reference to emerging Local Plan Policy document CLP2 (see Section 5) two bedroom four person units (as are proposed) may be acceptable in lieu of larger family homes of three beds or more. Therefore when calculating the family housing provision on this basis, the proposed development will exceed the above target within CLP1 and the proposed proportion of family housing is considered acceptable.
- 8.14 On balance, it is considered that the proposal would provide an appropriate mix of units (5 x 1-bedroom; 17 x 2-bedroom; 9 x 3-bedroom; and 2 x 4-bedroom) to meet a variety of demands across the Borough in accordance with Policy 3.8 of the London Plan.

Affordable Housing – Regional Policy Context

- 8.15 Policies 3.8 to 3.13 of the London Plan relate to affordable housing. Policy 3.11 states that the Mayor will, and boroughs and other relevant agencies and partners

should, seek to maximise affordable housing provision and ensure an average of at least 17,000 more affordable homes per year in London over the term of this Plan. In order to give impetus to a strong and diverse intermediate housing sector, 60% of the affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale. Priority should be accorded to provision of affordable family housing. Paragraph 173 of the NPPF imposes an obligation on Councils to ensure viability when setting requirements for affordable housing.

- 8.16 Policy 3.12 of the London Plan further seeks the maximum reasonable amount of affordable housing when negotiating on individual housing schemes but states that the objective is to encourage rather than restrain residential development.

Affordable Housing – Existing Local Policy Context

- 8.17 Policy SP2.4 of CLP1 seeks up to 50% affordable housing provision on sites such as this. Table 4.1 provides flexibility, requiring a minimum level of affordable housing on all sites. Following the end of the first three years of the plan, the minimum level was reviewed (from its previous minimum requirement of 15%) and this is currently set at 50%. The affordable housing should be provided at a ratio of 60:40 between affordable rented homes and intermediate housing. This policy is being reviewed through the partial review of CLP1 (CLP1.1). The Local Plan Inspector has introduced main modifications to the policy, but these do not alter the overall approach of the policy.

Affordable Housing – Emerging Local Policy Context

- 8.18 Taking account of the sites location, emerging policy SP2.4 of CLP1.1 seeks a minimum on site provision of 15% of units being provided as affordable housing, along with a review mechanism (which seeks to secure additional affordable housing to make up for any shortfall once actual costs and revenues are known)
- 8.19 Emerging policy retains the 60:40 (affordable rent and shared ownership) ratio but expands the types of intermediate products to include starter homes and intermediate rent products as well as low costs shared ownership homes.
- 8.20 The Applicant's viability report has been independently assessed by the Council's viability consultant, who have confirmed the accuracy of the applicant's financial viability assessment. In this case the provision of the CLP1 target of 50% affordable housing is not achievable. The developer is proposing to achieve affordable housing on site through delivering 21% by unit numbers within Block A. This represents 7 shared ownership units comprising 1 x 1-bedroom and 6 x 2-bedrooms units.
- 8.21 The affordable housing offer doesn't provide for affordable rented housing, and as such the Applicant was required to justify the position. The Applicant provided evidence from a Registered Housing Provider (Moat), which states that in this case, given the limited number of affordable units (7) able to be provided (as tested through the financial viability assessment) it wouldn't be viable for the RP to manage 2 different tenures in the building.
- 8.22 As the amount of affordable housing proposed is less than the minimum amount of 50% affordable housing required by planning policy, it is proposed that review mechanisms will be sought through the S106 Agreement. As the residential component of the scheme is likely to be delivered over a number of years review

mechanisms will be required at appropriate milestones. The detail of this will be finalised as part of the S106 Agreement, details of which are still being negotiated. The maximum cap for the affordable housing review mechanism would be 50% quantum of affordable housing provision to comply with current policy. On balance, the affordable housing offer is considered to be appropriate, subject to the review mechanisms as described above.

- 8.23 Having regard to comments from the independent assessment of viability, the planning history and other material considerations, it is considered that the proposal (with regards to affordable housing) satisfactorily accords with the objectives of the London Plan, emerging London Plan Housing SPG, CLP1, UDP Saved Policies 2013 and national policies.

Heritage, Townscape and visual impact

- 8.24 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory obligation on Local Planning Authorities, as decision maker, to have special regard, equivalent to considerable importance and weight, to the desirability of preserving a listed building and its setting, or any features of special architectural or historic interest which it possesses. Preservation in this context means causing no harm to the special interest of heritage assets. Section 72 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.25 The NPPF also refers to heritage assets in paragraph 133 which states that where a development will lead to substantial harm to a heritage asset it should be refused unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits which outweigh that harm or loss. Paragraph 134 states that a less than substantial harm to the significance of heritage assets should be weighed against the public benefits of the proposal.
- 8.26 Policy SP1.2 of CLP1 states that *'Development proposals should respond to and enhance local character, the heritage assets and identity of the Places of Croydon'*. Similarly, emerging Policy DM19.1 of CLP2 requires development proposals to *'preserve and enhance the character, appearance and setting of heritage assets within the borough'*. Furthermore Policy DM19.2 states that development proposals must demonstrate that attention has been paid to 'scale, height, massing' and that the proposal is of high quality design which integrates and makes a positive contribution to the historic setting of the heritage asset.
- 8.27 The NPPF further attaches great importance to the design of the built environment. Paragraph 17 gives 17 core planning principles. One of these principles is *'always seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'*. Paragraph 56 states that *'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'*.
- 8.28 Paragraph 58 identifies 6 points that decisions should aim to ensure in all development. These include, adding to the overall quality of the area, establishing a strong sense of place, responding to local character and being visually attractive. Paragraph 59 states that local planning authorities should consider using design codes where they could help deliver high quality outcomes. Paragraph 61 highlights

the importance of the visual appearance and architecture but also addresses the importance of connections between people and places and the natural, built and historic environment.

- 8.29 Paragraph 63 places weight on outstanding or innovative design. Paragraph 69 seeks to promote safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.
- 8.30 Policies 7.4 and 7.6 of the London Plan state that new development should be complementary to the established local character and that architecture should make a positive contribution and have a design which is appropriate to its context. CLP1 Policy SP4.1 states that developments should be of a high quality which respects and enhances local character. Policies UD2 and UD3 of the Croydon Replacement Unitary Development Plan (The Croydon Plan) 2006 Saved Policies require development to be of a high quality and visually appropriate design which respects the existing development pattern.
- 8.31 The application site is located in a predominantly residential area of Upper Norwood, fronting the south western side of Beulah Hill at its junction with Spurgeon Road. The majority of dwellings in the locality are of 2/3 storey height, albeit that there is a 6 storey block of flats adjoining the site to the north west (1-73 (odd) Menlo Gardens) and a 5 storey block of flats on the south eastern side of Spurgeon Road. The site currently contains 2 detached houses facing, and at a slightly lower level than, Beulah Hill. The rear of the site falls very steeply down to the south western boundary, beyond which is a detached bungalow, No.72 Spurgeon Road.
- 8.32 The proposed scheme reflects a contemporary style and comprises 3 building blocks. Block A, the tallest of the group (part 6 and part 7 storeys above street level) is positioned at the northwest of the site adjacent to Menlo Gardens, which is a 6-storey tall (above street level) flatted block with an additional set back storey to the rear. The proposed massing then gradually climbs down to Block B (part 4, part 5, part 6 storeys above street level) on the north-eastern corner, respecting the neighbouring Tropicana Building (No.28 Spurgeon Road) in terms of its height and its stepped form as it falls away along Spurgeon Road. Taking into account the change in street levels and the housing typologies (flatted blocks to semi-detached houses), the proposed development relates satisfactorily to lower scale neighbouring properties with a modest 2-storey (above street level) townhouses form of Block C.
- 8.33 The development is sufficiently set back from Beulah Hill and Spurgeon Road to ensure the building line relates sensibly to surrounding development, and to prevent an overbearing impact upon the streetscene. The proposed height is comparable to the surrounding properties which ranges up to six storeys and is further justified by the location at the corner Beulah Hill and Spurgeon Road from which a significant drop in level starts. The change in scale between the building blocks and active frontage approach, with features such as front entrance doors, gates & landscaping, works well together to complete this one of many key corner sites along Beulah Hill.
- 8.34 Careful consideration has also been given to the design and massing of the residential town houses (Block C) on the southern portion of the application site. The height of the massing has been lowered from the previously refused (2015) planning application and now sits at two storeys (lower ground to rear) to create a positive relationship with number 72 Spurgeon Road opposite. The distribution of height and

massing throughout the three blocks is well balanced and the separation between the two main apartment blocks and the terraced housing on Spurgeon Road successful.

- 8.35 The application Site is located in proximity to Statutory Listed (Grade II) building known as St Valery (54 Beulah Hill). The proposed development has been designed with careful consideration also given to this heritage asset by way of simplification of proposed materials and elevational treatment to contribute positively to the surrounding townscape. No concerns were raised in relation to previous proposals in terms of impact on the heritage asset. Taking account of the scale of the development proposed, the orientation of the proposal in relation to views to and from the heritage asset, it is not considered that the proposal would cause harm to the setting of listed building.
- 8.36 Overall, the development would contribute positively to the surrounding townscape when comparing the design to the previous refused schemes. The design is visually pleasant, well thought through and the materials and details of high quality. The facades are well articulated and the fenestration rhythm is elegant and clear.
- 8.37 The elevational treatment and materials for the proposed development have been chosen to ensure simplicity throughout the design of the development and to be in keeping with the local context. The fenestration is well proportioned, whilst the positioning of the balconies creates an active frontage. The regularity of the elevations fronting Beulah Hill accentuates the verticality and uniform nature of the design, creating a taller and more elegant appearance whilst the rear of the development drops down to relate sympathetically to neighbouring buildings.
- 8.38 The proposed re-design of the original proposal was driven by the need to preserve the TPO protected Copper Beech tree, and this has resulted in a more interesting frontage articulation and a more inviting and generous courtyard and entrance. Retaining the Oak and the Copper Beech provides a high quality landscape along Beulah Hill enhancing the green and leafy character of the area while providing significant visually improvement.
- 8.39 Overall, the proposal would sit comfortably with neighbouring buildings and within the streetscene and would be in accordance with the design, conservation and heritage policies set out above.

Impact on adjoining occupiers

- 8.40 One of the core planning principles (paragraph 17) in the NPPF is that decisions should “*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”. London Plan Policy 7.1 states that in their neighbourhoods, people should have a good quality environment.
- 8.41 Croydon Local Plan: Strategic Policies SP4.1 and SP4.2 seek to respect and enhance character to create sustainable communities and enhance social cohesion and well-being. Croydon Plan Policy UD8 states that the residential amenity of adjoining occupiers should be protected. The compliance of the proposal with these policies is now considered below in relation to each impact.

Sunlight and daylight – policy context

- 8.42 Emerging Policy DM11.6 also requires new development proposals to protect or improve the amenity of the occupiers of adjoining residential and commercial

buildings, to ensure that “*the amenity of the occupiers of adjoining buildings are protected*” (part a) and that “*they do not result in direct overlooking at close range or habitable rooms*” (part b). Criteria d and e confirm the developments should d) “*Provide adequate sunlight and daylight to potential future occupants*”; and e) “*They do not result in significant loss of existing sunlight or daylight levels of adjoining occupiers.*”

8.43 The nearest neighbouring residential properties to the application site are Nos. 54 (a five storey residential property) and 63 Beulah Hill (a two storey detached house) located to the north east on the opposite side of the road; No. 28 Spurgeon Road (a five storey apartment block known as Tropicana) to the south east; No.72 Spurgeon Road (a two storey detached house) to the south west and Nos. 1-73 (a seven storey apartment block), 83 and 85 (a three storey apartment block) Menlo Gardens to the north west and south west of the application site.

8.44 The current application is accompanied by an independent Daylight/Sunlight report produced by XCO2 which provides an assessment of the potential impact of the development on sunlight, daylight and overshadowing to neighbouring residential properties based on the approach set out in the Building Research Establishment’s (BRE) ‘Site Layout Planning for Daylight and Sunlight: A Good Practice Guide’.

8.45 Daylight has been assessed in terms of Vertical Sky Component (VSC) and sunlight has been assessed in terms of Annual Probable Sunlight Hours (APSH) and overshadowing has been assessed against the above BRE guidelines. The BRE Guidelines provide numerical guidelines, but these are not mandatory should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.

8.46 Daylight: the BRE Guidelines stipulate that there should be no real noticeable loss of daylight provided that either:

The Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value. (Skylight); or

The daylight distribution, as measured by the No Sky Line (NSL) test where the percentage of floor area receiving light is measured, is not reduced by greater than 20% of its original value.

8.47 It should be noted that the London Plan guidance is that in London accepting VSC reductions exceeding 20% is acceptable in view of its urban context.

8.48 Sunlight: the BRE Guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment for sunlight losses. For those windows that do warrant assessment it is considered that there would be no real noticeable loss of sunlight where:

In 1 year the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; and less than 0.8 of its former hours during either period; and In cases where these requirements are breached there will still be no real noticeable loss of sunlight

where the reduction in sunlight received over the whole year is no greater than 4% of annual probable sunlight hours.

Daylight – assessment

- 8.49 A total of 72 windows from buildings surrounding the site (31 windows at No.54 Beulah Hill; 4 windows at No.63 Beulah Hill; 19 windows at Nos.1-73 Menlo Gardens; 9 windows at Nos.83 and 85 Menlo Gardens; 7 windows at No. 28 Spurgeon Road; and 2 windows from No. 72 Spurgeon Road) were highlighted as being in close proximity to, and facing the proposed development. Daylighting levels for potentially affected windows of surrounding developments by the proposed development were found to be acceptable.
- 8.50 In summary,
- 46 out of 72 windows passed the 25-degree line test;
 - 13 of the remaining 26 windows achieved VSCs greater than 27%; and
 - 7 windows achieved relative VSCs over 80% of their former values.
- 8.51 The remaining 6 windows (3 windows at Nos.1-73 Menlo Gardens; 2 windows at Nos.83 and 85 Menlo Gardens; and 1 window from No. 72 Spurgeon Road) fall marginally below the BRE target for relative VSC of 80% the former value (but all retain at least 70% of their original value, which is a minor transgression). In addition, 3 of the 6 windows are attached to the seven storey residential block at Menlo Gardens which is of a similar scale to the adjacent part of the proposed development and therefore the GLA's guidance on accepting VSC's exceeding 20% is considered pertinent in their case.
- 8.52 Overall, the development is not anticipated to have any notable impact on the daylight received by neighbouring properties.

Sunlight - assessment

- 8.53 A total of 54 windows from buildings surrounding the site (belonging to No.54 Beulah Hill; No.63 Beulah Hill; and Nos. 1-73 Menlo Gardens) were assessed for sunlight access. The analysis indicated that 35 windows passed the 25-degree line test. All of the remaining 19 windows satisfied the BRE criteria for annual probable sunlight hours (APSH) and winter probable sunlight hours (WPSH).
- 8.54 Therefore, the proposed development is not considered to have any notable impact on sunlight access to windows of surrounding developments.

Outlook and privacy

- 8.55 The refused planning applications and appeal refusal decision highlighted the overbearing relationship of those earlier proposals with No.72 Spurgeon Road and concern with overlooking. The height of Block C nearest to the rear boundary with this neighbouring property has been lowered so that it now sits at two storeys (lower ground to rear). No habitable rooms windows facing the northern flank of No.72.
- 8.56 Furthermore, the proposal retains the separation from the boundary by provision of a vehicular access ramp and landscaping strip. It is therefore considered that the previous concerns relating to the impact on the neighbouring occupiers of No.72 Spurgeon Road have been adequately addressed.

- 8.57 Concern was also raised in the 2014 refusal and referenced by the Inspector in relation to the overbearing relationship of the proposed development with No.83-89 Menlo Gardens. The development now proposed would be located approximately 15.4 to 16m from Nos. 1-73 Menlo Gardens to the northwest and 15.5 to 15.9m from Nos. 83 and 85 Menlo Gardens to the northwest at its closest point to the rear amenity space of Blocks A and C and in excess of 20m from the nearest habitable window.
- 8.58 Given the proposed design and positioning of the proposed development and the separation distances with neighbouring residential properties in Beulah Hill and Spurgeon Road, the proposal would not result in any undue loss of outlook or privacy to the existing occupiers of neighbouring residential properties.

Quality of living environment provided for future residents

Residential space standards

- 8.59 Policy 3.5 of the London Plan states that new residential units should provide the highest quality internal environments for their future residents and should have minimum floor areas in accordance with the Government's technical housing standards set out in Table 3.3 and recognises that a genuine choice of homes should be provided in terms of both tenure and size. Detailed residential standards are also contained within the Mayor's London Housing SPG.
- 8.60 Policy 3.8 of the London Plan further states that 10% of new residencies within a development should be wheelchair accessible or easily adaptable for residents who are wheelchair users. Provision should also be made for affordable family housing, wheelchair accessible housing and ensure all new housing meets parts M4 (2) and (3) of the Building Regulations. Policy UD8 of the Croydon Plan further states that external amenity space should be provided to serve new residential units at a level which is commensurate with that provided in the surrounding area.
- 8.61 The London Housing SPG provides further details in relation to housing standards, including in relation to the provision of dual aspect units and private amenity space. Housing SPG standard 4.10.1 states that 5m² of private amenity space should be provided for each one bedroom unit, with a further 1m² provided for each additional occupant. Standard 4.10.3 states that the minimum length and depth of areas of private amenity space should be 1.5m and standard states that developments should avoid single aspect units which are north facing, have three or more bedrooms, or are exposed to a particularly poor external noise environment.
- 8.62 All of the proposed units would meet the National technical housing standards in terms of overall size and bedroom size. All of the units would also meet the requirements outlined in the GLA's Housing SPG in relation to amenity space quantum and minimum dimensions and all units would achieve a minimum 2.5 metre floor to ceiling height.
- 8.63 All of the proposed three and four bedroom units have dual aspect and therefore, there are no single aspect units which are north facing. 4 of the units (12% of the total) would be wheelchair adapted or capable of easy adaptation for wheelchair users. The Policy and Housing SPG requirements outlined above are therefore met.

Private/Communal amenity space and child play space provision

- 8.64 Policy DM11 of Croydon's Local Plan: Detailed Policies and Proposals (Main Modifications) confirms support for new development which includes private amenity space that is of high quality design that enhances and respects the local character of the surrounding area.
- 8.65 Policy 3.6 of the London Plan states that housing development proposals should make a provision for play and informal recreation for children and young people. According to Housing SPG standard 1.2.2, the development is required to make appropriate play provisions in accordance with a GLA formula and calculation tool, whereby 10sqm of play space should be provided per child, with under-5 child play space provided on-site as a minimum, in accordance with the London Plan 'Shaping Neighbourhoods: Play & Informal Recreation SPG'.
- 8.66 Amenity space areas including private balconies and rooftop amenity space for the future residents of Blocks A and B and private front and rear gardens for the townhouses (Block C) are proposed. The development proposes a total of 174sqm of communal amenity area at lower ground level which equates to 5sqm per residential unit, in addition to private amenity space including, balconies, terraces and private gardens of which every unit benefits from at least one of these. A soft landscaped area is to be provided on the north east frontage onto Beulah Hill with the portion of Council owned open land being shown with indicative landscaping to illustrate how this area could be designed to complement the wider development. Overall, the provision and quality of private and communal amenity space, including child play space, is considered to be acceptable.

Privacy

- 8.67 Standard 5.1.1 in the GLA's Housing SPG states that habitable rooms should be provided with suitable privacy. 18-21m is indicated as a suitable minimum distance between facing habitable rooms, although the standard notes that "*adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city and can sometimes unnecessarily restrict density.*"
- 8.68 Given the orientation and positioning of the proposed windows within the 3 blocks and the separation distances between these and existing neighbouring residential buildings as set out above, the proposal would not result in any undue overlooking or loss of privacy to the detriment of existing neighbouring and future occupiers of the development.

Daylight and sunlight conditions for future residents

- 8.69 The development should also seek to ensure that adequate sunlight and daylight is provided to individual flats. The internal daylight/sunlight assessment prepared by XC02 confirms that the residential units will comply with BRE guidance in terms of daylight and sunlight amenity for proposed residents and makes the following conclusions.
- 8.70 The assessment was carried out for all 33 dwellings. A total of 111 habitable rooms within these dwellings have been included in the assessment. The results indicated that 110 out of 111 habitable spaces satisfy the recommendations set out by the BRE's "Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice" by PJ Littlefair (2011), which is accepted as good practice by Planning Authorities. All kitchens, living rooms and bedrooms meet the BRE criteria for this room type;

8.71 Overall, the proposed development is therefore considered to provide a good quality of accommodation to the future occupants in terms of daylight.

Environmental Impacts

Air pollution, noise and vibration

- 8.72 Policy 7.14 of the London Plan states that the Mayor will work with strategic partners to ensure that the spatial, climate change, transport and design policies of his plan support the implementation of his Air Quality Strategy to achieve reductions in pollutant emissions and public exposure to pollution. It also states that development should be 'air quality neutral' and not lead to further deterioration of existing poor air quality (such as areas designated as Air Quality Management Areas). The whole of Croydon Borough has been designated as an Air Quality Management Area – AQMA.
- 8.73 Chapter 11 of the NPPF also requires planning policies and decisions to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development; and to recognise that development will often create some noise. Chapter 13 states that when determining planning applications, local planning authorities should ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source.
- 8.74 Policy 7.15 of the London Plan states that development proposals should seek to minimise the existing and potential adverse impacts of noise on, from, within or in the vicinity of development proposals. Croydon Local Plan: Strategic Policies 6.3 requires development to positively contribute to improving air, land, noise and water quality by minimising pollution. Policy EP1 of the UDP Saved Policies 2013 refers to the pollution of water, air or soil or pollution through noise, dust, vibration, light heat or radiation.
- 8.75 The effects on air quality associated with the completed development would result from the significant change of use of the site former commercial use to a predominately residential development. Whilst the submitted Air Quality Impact Assessment indicates that the proposed building would result in negligible air quality impacts, the authority requires that the proposed building should be air quality neutral. The developers would be required to complete the Croydon Development Emission Tool (CDET) which is an Excel based building modelling tool. CDET focuses on quantifying the levels of the air pollutants from homes, commercial buildings and other non-industrial buildings. This could be secured through a condition requiring the submission of a Low Emission Strategy.
- 8.76 Given the location of the development in an area of high human exposure there is a requirement for this development to incorporate a S106 contribution for air quality. As such a S106 air quality contribution is required to ensure air quality benefits are realised.
- 8.77 The Suitability Statement submitted with this application confirms that issues relating to internal and external noise and disturbance are not predicted on site. Noise level from any air handling units, mechanical plant, or other fixed external machinery should not increase the background noise level when measured at the nearest sensitive residential premises. In effect, this means the noise level from any new

units should be at least 10Db below existing background noise levels. This would be controlled by condition.

- 8.78 As a major development, the construction phase would involve very large scale operations and is likely to be elongated. As the potential for significant adverse environmental effects during this phase is large, a Construction Logistics Plan and an Environmental Management Plan should therefore be secured by condition.

Water resources and flood risk

- 8.79 Policy 5.12 states that development proposals must meet flood risk assessment and management requirements. CLP1 Policy SP6.4 states that the Council will seek to reduce flood risk and protect groundwater and aquifers.
- 8.80 The London Plan SPG states new development should incorporate Sustainable Urban Drainage Systems and green roofs where practical with the aim of maximising all opportunities to achieve a Greenfield run-off rate, increasing bio-diversity and improving water quality. Greenfield runoff rates are defined as the runoff rates from a site, in its natural state, prior to any development. Typically this is between 2 and 8 litres per second per hectare. Surface water run-off is to be managed as close to source as possible.
- 8.81 A Flood Risk Assessment has been submitted and whilst information has been submitted that assesses flooding and drainage matters associated with the development and indicating that the development is not likely to result in an increased flood risk, additional information will need to be submitted. Conditions are recommended to ensure a detailed drainage scheme that incorporates SuDs, as requested by the Lead Local Flood Authority (LLFA), is delivered.
- 8.82 The LLFA are satisfied that drainage can be addressed through the imposition of suitable planning conditions (which are recommended). As such the impact of the development on water resources and flood risk is considered to be acceptable and in accordance with the provisions of local and national policy.

Impact on trees

- 8.83 Section 11 of the NPPF seeks to conserve and enhance the natural environment London Plan Policy 7.21 states that trees and woodlands should be protected, maintained and enhanced. Croydon Plan 2006 (Saved Policies 2013) policy NC4 requires that valued trees especially those designated by Tree Preservation Orders are protected. Croydon Local Plan: Strategic Policy SP7.4 seeks to enhance biodiversity across the borough.
- 8.84 There are a number of prominent trees along the boundary with Spurgeon Road and within the existing front gardens of the existing properties fronting Beulah Hill. An Oak tree (T1) and Copper Beech tree (T2) fronting Beulah Hill are protected by Tree Preservation Order 42, 2014. The scheme has been re-designed to now retain both these protected trees.
- 8.85 An arboricultural assessment has been submitted with the application which provides details of a number of trees including a pair of Cypress trees and a Cherry tree which are to be replaced with new trees and shrubs to be planted in locations which offer public amenity for the future. The remaining trees would be retained. The quality of these existing trees to be removed is mediocre and no objection has been raised by

the Council's Tree Section to their removal and their replacement with new tree species, such as Norway Maple and Swedish Whitebeam which have been suggested for the location. Full details of hard and soft landscaping, including replacement tree planting, together with details of tree protection for those to be retained are to be secured by condition.

Transportation, access and parking

- 8.86 Chapter 4 of the NPPF seeks to promote sustainable transport. London Plan Policies 6.3 and 6.13 and Croydon Plan Policies T2 and T8 require that development is not permitted if it would result in significant traffic generation which cannot be accommodated on surrounding roads. They also require that acceptable levels of parking are provided. Disabled parking spaces are required by Policy 6.13 of the London Plan and the accompanying Housing SPG.
- 8.87 Policy 6.9 of the London Plan states that secure, integrated and accessible cycle parking should be provided by new development in line with minimum standards. These are 1 space for each 1 bedroom unit and 2 spaces for 2 bedroom + units.
- 8.88 The site is in an area with a Public Transport Accessibility (PTAL) rating level of 2 which is poor, although it is adjacent to a level 3 area and has good access to a number of bus routes and railway stations. Given the accessibility rating level of the site, the overall level of car parking provision of 17 spaces proposed is considered to be acceptable and an on-street parking survey has been undertaken that indicates that there are plenty of available on-street spaces in Spurgeon Road should there be any overflow parking. The proposal includes 4 disabled parking spaces. This would provide a satisfactory level of car parking for the 4 wheelchair accessible or easily adaptable units proposed
- 8.89 The Council's highway officer has advised that the layout of the basement parking area is acceptable. Electric Vehicle Charging Points are provided in accordance with the standards set out in the London Plan. A condition would be attached to any permission granted to secure that at least 50% of the disabled car parking spaces have EVCP's.
- 8.90 Reference is made in the Transport Statement submitted to the availability of Car Club spaces nearby. A provision for future occupiers to be provided with 3 years membership of a car club scheme would be secured via the Travel Plan and by S106 legal agreement.
- 8.91 60 cycle parking spaces are also proposed to be located at basement and lower ground floor levels. This provision meets the London Plan requirements for the site and is supported.
- 8.92 The proposal provides a single vehicle access to basement parking off Spurgeon Road. The access road is single lane width with passing spaces at the top and bottom of the ramp, and is to be controlled by a traffic signal system that gives priority to vehicles entering the site. This is considered acceptable.
- 8.93 Details of vehicle sight lines and pedestrian visibility splays have been provided and are acceptable. There are a number of existing vehicle crossovers onto Beulah Hill and Spurgeon Road that will no longer be required and these will need to be

reinstated to footway at the applicant's expense. Such works to the public highway would be secured by S106 legal agreement.

- 8.94 Given the scale of the development, it is considered that conditions requiring the submission of a detailed Travel Plan and Demolition and Construction Logistics Plan are warranted in order to ensure that both the construction phase of the development do not result in undue impacts upon the surrounding highway network. These would be secured by condition.

Sustainability

- 8.95 At the heart of the NPPF is a presumption in favour of sustainable development. It states: *'Planning plays a key role in shaping places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impact of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure'*.
- 8.96 The NPPF actively promotes developments which reduce greenhouse gas emissions (para 95). In determining planning applications it states that local planning authorities should expect development to comply with local policies and expect that layout of development in a manner that would reduce energy consumption through building orientation, massing and landscape (para 96).
- 8.97 Policies 5.2 and 5.3 of the London Plan state that development proposals should minimise carbon dioxide emissions and exhibit the highest standards of sustainable design and construction, whilst policy 5.7 states that they should provide on-site renewable energy generation. London Plan policy 5.5 states that Boroughs should seek to create decentralised energy networks, whilst Policy 5.6 requires development proposals to connect to an existing heating network as a first preference if one is available.
- 8.98 Policy SP6.2 from the borough's Local Plan Strategic Policies sets out the Council's expectations in relation to energy and CO2 reduction, in accordance with the London Plan. It states that it would be expected that high density residential development would (a) incorporate site wide communal heating systems, and (b) that major development will be enabled for district energy connection unless demonstrated not to be feasible or financially viable to do so.
- 8.99 The Sustainability and Energy Assessment submitted with the application demonstrate that the proposal has been prepared in accordance with relevant strategic and local planning policies to provide a high quality and sustainable building in this key central location.
- 8.100 The fundamental principle on which the sustainability policies are based is an expectation that development will follow the energy hierarchy: be lean (use less energy), be clean (supply energy efficiently), and be green (use renewable energy).
- 8.101 The proposed development incorporates the following key sustainability features:
- The re-use of previously developed land;
 - Effective site layout in response to the neighbouring context;
 - Efficient design of the proposed massing, openings and internal layouts so that habitable spaces across the site benefit from abundant daylight and sunlight levels, whilst impacts to neighbouring buildings are kept to a minimum;

- Significant carbon emissions' savings on-site (22.5%) through energy efficiency measures and the uptake of renewables;
- The specification of water efficient fittings to limit water consumption to less than 105 litres per person per day for domestic uses;
- The protection of natural features of ecological value, especially the Copper Beech Tree at the front of the proposal site, and the improvement of biodiversity on site through soft landscaping and green roofs on the townhouses;
- The incorporation of SuDS in the form of underground storage, blue roofs and permeable paving; and
- Effective pollution management and control: the development is not expected to have any significant adverse effects to air, noise, land or watercourses.

8.102 The proposal would achieve CO2 savings on site of 22.5% against Part L 2013 and renewable energy generation offsets using photovoltaic panels of 19.3% of CO2 emissions in excess of the 10% target under Policy EP16 of Croydon's adopted Local Plan policy.

8.103 The Council's policy now requires zero carbon. The carbon dioxide savings proposed fall short of the policy requirement. The Council would accept a cash in lieu payment to be secured through a S106 legal agreement and the applicant has accepted this.

Other Planning Issues

Employment and training

8.104 Planning policy including the adopted Section 106 Planning Obligations in Croydon and their Relationship to the Community Infrastructure Levy— Review 2017 sets out the Councils' approach to delivering local employment for development proposal. The applicant has agreed to a contribution and an employment and skills strategy.

Designing Out Crime

8.105 For a building of this nature, the main considerations would relate to access to the building and the areas of public realm around the building.

8.106 Discussions have taken place with the Designing Out Crime Officer and the proposed development would incorporate principles of Secured by Design. This would be secured by condition to ensure that the proposed development provides a safe and secure environment.

Conclusions

8.107 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.