

**Agenda Item: 6.7**

**This is a Major Application for which the 13 week period expires on 27/04/2007.**

07/00095/P

26/01/2007

Purley

Application for full planning permission

Agent:

Mr Robin Harper

70 High Street

Teddington

Middlesex

TW11 8JD

Applicant:

Chantry Estates

Location: 51-61 Whytecliffe Road South, Purley, CR8

Description: Demolition of all buildings ; erection of 1 two/three storey building and 1 five/six storey building comprising a total of 87 flats and use of part of the ground floor for purposes within Class A2 (financial and professional services) or B1 (business); formation of vehicular access and provision of associated car parking and cycle parking

Drawing No(s): WRS/PL 01 Rev B, 02B, 03A, 04A, 05A, 06A, 07A, 08, 10B, WRS/EL 101 Rev A, 102 A, 103 A, 104 A and sketch perspectives 001 and 002

**Recommendation: Grant Permission, subject to the prior written conclusion of a Section 106 Agreement within a period of six months from the date of this resolution, or such longer period as may be agreed in writing by the Head of Planning Control**

Subject to the following condition(s) and reason(s):-

1. Prior to the commencement of the development the written approval of the Local Planning Authority shall be obtained with respect to the following matters:-
    - (1) parking and turning areas
    - (2) external lighting;
    - (3) boundary walls, fences and other means of enclosing the site;
    - (4) secure cycle parking and refuse stores, in the context of details already shown on the application plans;
    - (5) the layout, design and landscaping of the central courtyard so as to prevent its use by motor vehicles other than manoeuvring of lorries or to gain access to parking spaces 12 and 13.
    - (6) amenity space provision
- Reason: To ensure an acceptable standard of development having regard to the policies of the Croydon Replacement Unitary Development Plan (The Croydon Plan)

2. Unless otherwise previously agreed by the Local Planning Authority in writing the matters approved in compliance with Condition 1 shall be provided before any part of the development is occupied and shall be retained for so long as the development remains in existence.  
Reason: To ensure that an acceptable standard of development is provided and retained having regard to the policies of the Croydon Replacement Unitary Development Plan (The Croydon Plan)
3. No works on site shall commence until details of the external facing materials have been submitted to and approved by the Local Planning Authority in writing. The development shall only be implemented in accordance with such approved details.  
Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy UD3 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)
4. Prior to the commencement of the development, a landscaping scheme to include existing and proposed planting shall be submitted to and approved by the Local Planning Authority; the approved planting shall be provided before any part of the development is occupied or within such longer period or periods as the Local Planning Authority may previously agree in writing and shall be maintained for a period of five years from the date of planting; any planting which dies or is severely damaged or becomes seriously diseased or is removed within that period shall be replaced by planting of similar size and species to that originally provided  
Reason: To enhance the appearance of the development, protect the visual amenities of the locality, and to ensure that the new planting becomes established in accordance with Policy UD14 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)
5. Before the development is begun a report of historical uses of the site shall be carried out to the approval of the Local Planning Authority, to provide an assessment into the possibility of soil contamination.

If the report indicates the possibility of soil contamination an intrusive site investigation and assessment into the possibility of soil, water and gaseous contamination must be carried out to the approval of the Local Planning Authority. The investigation report shall include a risk assessment and details of remediation if required.

Remedial works which are shown to be required must be approved by the Local Planning Authority before any such works are carried out and completed prior to the occupation of any building. A validation report detailing evidence of all remedial work carried out must be submitted to and approved in writing by the Local Planning Authority at the conclusion of the work and before any occupation of the properties.

The developer shall notify the Local Planning Authority of any on site

contamination not initially identified by the site investigation so that an officer of the Council may attend the site and agree any appropriate remedial action.

Reason: To ensure the safe development of potentially contaminated land in accordance with Policy EP3 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)

6. No development shall take place until the applicant has provided to the Local Planning Authority a report for approval identifying how a minimum of 10% of the carbon emissions for which the development is responsible are off-set by on-site renewable energy production methods. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. The approved scheme shall then be provided in accordance with these details prior to the first occupation of the development and thereafter retained for so long as the development remains in existence.  
Reason: To comply with Policy EP16 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)
7. The area within the application site shown on drawing number WRS/PL/01 Rev B as land to be set aside for a public footpath shall be reserved for inclusion in the footpath and shall be included therein upon receipt of notice from the Council that the footpath between Whytecliffe Road South and High Street can be completed.  
Reason: In order to comply with the aims of SPG13 on Purley Town Centre together with its companion paper on the Regeneration Strategy for the town centre.
8. No development including excavations for drainage and foundation work shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only be carried out in accordance with the agreed programme  
Reason: To safeguard the heritage of the Borough by providing an adequate opportunity to investigate and excavate archaeological remains on the site before development is carried out, in accordance with Policy UC11 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)
9. The non residential floor space on the ground shall be used only for purposes within Class A2 (financial and professional services) or B1 (business) of the Schedule to the Town and Country Planning (Use Classes) Order, 2006.  
Reason: To protect the amenities of adjoining occupiers
10. No windows shall be provided in the following elevation(s) other than those specified which should be obscure glazed:-
  - (1) south-western
  - (2) north-western  
Reason: To protect the privacy of adjoining occupiers in accordance with Policy UD8 of the Croydon Replacement Unitary Development Plan (The Croydon Plan) and the Supplementary Planning Guidance Note No.2 on

## Residential Extensions

11. The development shall be begun within three years of the date of the permission.

Reason: To comply with the provisions of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

The development is considered to be satisfactory in relation to the following:-

- (a) the appearance of the development in the street scene
- (b) the relationship of the development to adjacent property
- (c) the character of the development in the surrounding area
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties
- (e) the light and outlook of occupiers of adjacent and nearby properties
- (f) the privacy of occupiers of adjacent and nearby properties
- (g) the safety of pedestrians and motorists on the adjacent highway
- (h) the safety and security of buildings and the spaces around them
- (i) accessibility to buildings
- (j) the shopping policies of the development plan
- (k) the employment policies of the development plan
- (l) the housing policies of the development plan
- (m) the archaeology policies of the development plan
- (n) the recreational open space policies of the development plan
- (o) the open land and outdoor recreation policies of the development plan
- (p) the urban design policies of the development plan
- (q) the transport policies of the development plan
- (r) the high buildings policies of the development plan
- (s) the provision of satisfactory living accommodation for future residents of the flats

and having regard to all other matters raised.

Informative(s) :-

- 1 The applicant is advised to consult the Council's "Code of Practice on the Control of Noise and Pollution from Construction Sites" before commencing work on the site. The Code gives advice on how to undertake work on site in a considerate manner. A copy can be obtained by calling 020 8760 5483.
  - 2 This site is within an area of archaeological significance/archaeological potential where development is likely to result in the destruction of ancient remains. The applicant's attention is drawn to the British Archaeologists and Developers Liaison Group Code of Practice agreed by the British Property Federation and the Standing Conference of Archaeological Unit Managers. The Council recognises and endorses this Code and will expect the developer and approved archaeological organisation to abide by its provisions.
  - 3 That this permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
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**APPLICATION NO. 07/00095/P - 51-61 WHYTECLIFFE ROAD SOUTH, PURLEY**

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**1. SUMMARY**

- 1.1 This report concerns an application for full planning permission for the demolition of 51-61 Whytecliffe Road South and the erection of 1 two/three storey building and 1 five/six storey building to provide a total of 87 flats and use of part of the ground floor for purposes within Class A2 (financial and professional services) or B1 (business); formation of vehicular access and provision of associated car and cycle parking.
- 1.2 There is a current appeal at this site in respect of the failure of the Council to determine an application for 88 flats within the thirteen week statutory time period (see paragraph 3.10 below).

**2. RECOMMENDATION**

- 2.1 That planning permission be granted subject to the conditions and reasons set out in the agenda and the prior conclusion of a legal agreement in respect of open space contributions; sustainable transport; affordable housing and the dedication of land to the Council towards the provision of a footpath linking Whytecliffe Road South with High Street.
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**3. BACKGROUND**

(a) Site Description

- 3.1 The site is situated to the north-west side of Whytecliffe Road South, was previously occupied by a former vehicle repair workshop and low rise industrial sheds and at Nos. 51 and 53 there are a pair of two storey semi-detached buildings, formerly residential but in the case of one unit, was last used as an office. Apart from nos. 51 and 53 these buildings have all been demolished.
- 3.2 The application site has a frontage of some 46m, and a maximum depth of 65m measured from the centre of the site frontage. The site area is approximately 0.29 hectare (0.73 acre). The land falls from south-east to north-west. Whytecliffe Road South is a Borough Distributor Road.
- 3.3 The former car repair workshop was positioned towards the western boundary of the site and on lower ground adjacent to the rear gardens of a two storey residential terrace fronting Woburn Avenue. There was also a large single storey workshop to the front of the site fronting Whytecliffe Road

South. Both of these uses have now ceased to operate and have been vacated. A service road is located between the workshop and number 53.

- 3.4 There is a large three storey public car park with basement parking, situated to the south of the application site. Astoria Court is a large six storey residential building fronting Whytecliffe Road South and Purley Parade and lies to the north of the site. To the north-east there is a community hall, serviced offices at nos. 65/67 and Azalea Court which is a 4 storey residential development.
- 3.5 The surrounding area is mixed in character containing two and three storey houses, residential estates, shops, offices and the Purley Railway station to the south of the site. The whole site lies within the Purley Town Centre area for which a regeneration strategy has been drawn up and which identifies problems and opportunities for improving the town centre.

(b) Planning History

- 3.6 03/03277/P – An application for outline planning permission was refused for the demolition of 53a and 55-61 Whytecliffe Road South and the erection of four/six/seven storey building comprising 73 flats with basement parking for 40 cars and formation of vehicular access; alterations and conversion of 53 to form 5 one bedroom flats.
- 3.7 04/2563/P – This application was for full planning permission for the demolition of 53 and 55-61 Whytecliffe Road South and the erection of a 1 two/three storey building and 1 six storey building with basement comprising 1 unit within class A1 (retail), or A2 (financial and professional services) or B1 (business) 38 one bedroom, 36, two bedroom and 1 three bedroom flats along with the formation of a vehicular access and associated car parking and cycle parking. The application was the subject of an appeal against the failure of the Council to determine the application within the statutory time period. The appeal was subsequently withdrawn.
- 3.8 05/2053/P - An application at nos. 53 to 61 was for full planning permission for the demolition of all buildings except No. 53 Whytecliffe Road South and the erection of a one/ two/three storey building and 1 six storey building comprising 25 one bedroom, 40 two bedroom and five three bedroom flats; alterations and extension to no. 53 and use of ground floor for commercial purposes with a one bedroom and one two bedroom flats over; formation of a vehicular access and provision of associated car and cycle parking spaces. This application was entered in the Planning Register as Not Determined.
- 3.9 05/0914/P- At nos. 52 to 61 a proposal for the demolition of the existing buildings other than 53 Whytecliffe Road South and redevelopment to include 72 flats and 66 sq m of commercial space on the ground floor and 13 car parking spaces was the subject of an appeal against non-determination. The appeal was contested but was subsequently allowed with planning permission being granted on 29 September 2005.

3.10 06/01113/P - A planning application was submitted for the demolition of all buildings on the site including numbers 51 – 61 Whytecliffe Road South and the erection of 1 two/three storey building and 1 five/six storey building comprising a total of 88 flats and use of part of the ground floor for purposes within Class A2 (financial and professional services) or B1 (business) formation of vehicular access and provision of associated car parking and cycle parking. This application is now subject of an appeal to be heard at a public inquiry on the grounds that the Council did not make a decision within the prescribed period. The inquiry has been scheduled for 29 March 2007

(c) Proposal

3.11 This is an application for full planning permission for the demolition of nos. 51, 53 and nos. 55-61 Whytecliffe Road South and the erection of a two/three storey building and a five/six storey building comprising a total of 87 flats and use of part of the ground floor for commercial purposes within Class A2 (financial and professional services) or B1 (business) use, vehicular access and parking for 13 cars and provision for 57 cycle parking spaces are also proposed. The accommodation would comprise of 38 x 1 bed, 37 x 2 bed and 12 x 3 bed family flats.

3.12 In support of the application the applicant has submitted a travel plan, design statement and a renewable energy strategy.

3.13 The proposed means of access would be positioned to the south western end of the building and would measure 4m in width. The access would lead into a courtyard area which would include 13 car parking spaces including two spaces for disabled drivers. Provision for cycle parking storage is also included and is situated adjacent to the disabled car parking bays.

3.14 The design of the development would be similar in style to that of the previous scheme which was approved at appeal. The main difference being that no 51 would be demolished and is now included as part of the scheme.

#### **4. POLICIES**

4.1 The relevant policies of the Replacement Unitary Development Plan (The Croydon Plan) are SP1-3, UD1-3, UD6-8, UD10, UD12-16, UC11, SP17-22, H2-4, H9-10, H13, RO12, EM2, SP14, T2-4, T8, T11, EP1-3, EP6, EP15 -16. Supplementary Planning Guidance on Planning Obligations, Environmental Performance, Purley Town Centre (13), Purley Town Centre Regeneration Strategy are also relevant.

#### **5. REPRESENTATIONS**

5.1 The application has been advertised in the local press as a "major application" under Article 8 of the Town and Country Planning (General Development Procedures) Order 1995.

5.2 Two hundred and forty occupiers of adjoining and nearby property in Woburn Avenue, Astoria Court, Azalea Court and Whytecliffe Road South have been notified. Thirteen letters have been received objecting to the proposal for the following reasons:-

- (a) loss of light;
- (b) loss of privacy;
- (c) increased parking and traffic congestion
- (d) the density and height of the development is too high;
- (e) vehicle egress from the site would increase accidents;
- (f) Astoria Court would be hemmed in by the development
- (g) vehicular egress from the development would pose a high risk of accident
- (h) the proposal would result in increased crime levels
- (i) increased noise and pollution

5.3 The Archaeological Officer, English Heritage has suggested that any permission granted should be subject to a condition and informative which would safeguard the archaeological interests at the site.

5.4 Transport for London has been consulted but no response has been received.

## **6. CONSIDERATIONS**

6.1 The principal issues to be considered are:-

- (a) the effect of the development on:-
  - (i) the character of the area, design of the building and the visual amenities of the street scene;
  - (ii) the amenities of surrounding occupiers and future occupiers of the proposed flats;
  - (iii) amenity space
  - (iv) access arrangements and car parking provision;
  - (v) the provision for affordable housing;
  - (vi) open space contribution

6.2 The site is identified in the adopted Purley Town Centre Supplementary Planning Guidance Note<sup>13</sup> as a site with development potential for high density, high quality residential development with ground floor

retail/commercial uses. An intensive development of this site would therefore make more efficient use of land within this sustainable town centre location. A well planned and high quality development would be consistent with the sustainable approach to development set out in PPS1, PPS3, PPG13 and the strategies set out in the Council's adopted Replacement Unitary Development Plan (The Croydon Plan).

### **Character of the area, design and the street scene**

- 6.3 Policy UD1 of the UDP states that "Planning permission will be granted for development proposals of high quality, inclusive, and sustainable in design".
- 6.4 Policy UD3 of the Croydon Plan also identifies the need to create visual interest and to respect the height and proportions of surrounding buildings which play an important role in determining the character of the street.
- 6.5 The design of the building should be read in conjunction with other developments in the area. Notably the land uses, period, form and scale of buildings in the locality are many and varied. Furthermore, at nos. 13 – 23 Whytecliffe Road South a building comprising 4/5/6 and 7 storeys was granted permission in 2006.
- 6.6 The scheme allowed on appeal (paragraph 3.9 above) was for a six storey building containing flats at nos. 53-61. In that no. 51 has now been included in the site, the applicant has sought to extend the previously permitted scheme. Whereas the extended scheme that is the subject of the appeal (paragraph 3.10 above) incorporated a poor design, the current application seeks to address that deficiency.
- 6.7 The current proposals alter the earlier scheme that is now subject of an appeal by improving the southern block of the scheme (51 to 53). Although we still have concerns about the scheme as a whole, we consider that the revised element is a significant improvement in design terms, and it goes some way to improving the general appearance of the development.
- 6.8 In particular the revised design helps break up the monolithic character of the development as a whole by way of the introduction of a projection, the use of different materials and improved articulation of the front elevation. This in itself represents a considerable visual improvement and as such is considered acceptable and in accordance with the aims of policies UD2 and UD3 of the Croydon Plan
- 6.9 The contemporary design of the development would include a series of balconies forming the main amenity provision for many of the proposed units. It is considered that the proposed balconies would not be out of place given that similar features have been included at the nearby Astoria Court to the north of the application site. There is also an area of rooftop amenity space proposed which is considered important in providing for the needs of the occupants.

- 6.10 In accordance with Supplementary Planning Guidance Note 13 (SPG 13) and the previously approved scheme, the applicants have identified a potential route for the pedestrian access from Whytecliffe Road South to the High Street. In addition a portion of the application site has also been identified for inclusion as part of this access and this aspect of the proposal is to be welcomed.
- 6.11 The proposal represents a more comprehensive approach than was included in the consented scheme and as such it is considered that the proposal as a whole is more consistent with the requirements of (SPG Note 13).

### **Impact on the amenities of neighbouring and future occupiers**

- 6.12 Policy UD8 relates to the protection of residential amenity. With respect to the impact of the proposal on residential amenity, it is considered that the additional floor space incorporated as a result of the inclusion of nos. 51 and 53 would not have any significant impact on the amenities of adjoining occupiers as the new element of the building is adjacent to the pedestrian access to the south-west of the site. Whilst this would now be opposite nos. 48-52 Whytecliffe Road South. This additional building mass would have some effect on the visual amenities of these premises this must be weighed against the need to achieve a comprehensive development in this town centre location with the potential of providing benefits such a new pedestrian walkway to High Street. The minor changes forming part of the rear section of the building would be no closer to the Woburn Avenue properties than was previously the case.
- 6.13 In terms of the amenities of the future occupiers of the development, the proposal would significantly improve upon the current appeal proposal in that the overlooking relationship between sections of the ground and first floor which is evident in the current appeal scheme has now been omitted so that there would be no loss of privacy in the current scheme. The proposal therefore complies fully with policy UD8 of the Croydon Plan.

### **Amenity Space**

- 6.14 Concerns previously raised about amenity space provision has now been addressed by the introduction of the rooftop amenity space. Bearing in mind the balconies and open courtyard facility, the addition of the rooftop amenity space improves the proposal compared to the earlier schemes.
- 6.15 Moreover, on the issue of amenity space the Inspector stated that:-
- “It is not uncommon for housing near a town centre to have little private amenity space, as other examples near this site indicate.”
- 6.16 In addition the Inspector stated that the site is close to the town centre

and that there was access by public transport to facilities elsewhere and which include public open spaces in Purley.

### **Access Arrangements and Car Parking Provision**

- 6.17 The previous scheme included 13 car parking spaces for the 72 proposed flats and the current arrangement does not provide any additional car parking provision despite the increase of 15 units. Given the sustainable location of the site and the Inspector's comments when allowing the previous appeal, where he stated "There is really no reason why an occupier of this development should be dependent on owning a car, and potential occupiers would be aware before taking occupation of the limited parking available", in the circumstances an objection on car parking grounds could not be sustained and therefore no objection is raised on this issue.
- 6.18 In addition the proposed access arrangements are similar to that of the approved scheme and as such are considered acceptable.
- 6.19 In accordance with the Council's Supplementary Guidance on Planning Obligations, a contribution toward sustainable transport is required. This is set at £700 for each 1-2 bed unit and £1000 for each unit of 3 beds and above. In this case the total required would be amount to £66,000. However the applicant's have stated that that no financial provision was made for sustainable transport for the proposal that was upheld on appeal and that there is no increase in parking provision with the current scheme. Nevertheless, a contribution toward the additional 15 units is proposed which amounts to £12,300. In light of the appeal decision in which no contribution was made toward sustainable transport the proposed contribution is considered acceptable.
- 6.20 In addition to the car parking provision and sustainable transport contribution the applicant proposes 57 cycle parking spaces.

### **The Provision of Affordable Housing**

- 6.21 In the appeal decision dated 29 September 2005 for application reference 05/00914/P the inspector agreed to the provision of the equivalent of 42% of the habitable rooms of the development being provided as affordable housing. The affordable housing provision secured through this application has been agreed in light of this decision.
- 6.22 The applicant will provide a one bedroom flat, 1 two bedroom flat and 4 three bedroom flats for social rent and 14 one bedroom flat and 10 two bedroom flats for shared ownership in the respect of the scheme granted under the appeal with funding previously secured.
- 6.23 The applicant will also provide 2 three bedroom flats for social rent and 6 one bedroom and 1 two bedroom flat for shared ownership on the remainder of the site now added to the scheme. (nos. 51 and 53) If grant funding cannot be

secured for this element of the affordable housing it will be produced as shared ownership.

### **Open Space Contributions**

- 6.24 This is a 'major development' which proposes 87 residential units. Although the site is not within an area deficient in local open parks (the site is approximately 0.5Kms walking distance from Purley Rotary Fields) Policy RO12 requires that commuted payments for off site provision of open space will be required for residential schemes. The Purley Town Centre Supplementary Guidance 13 also refers to the need to provide public realm improvements within the site along with the provision of a green space within the site that is accessible to the public and linked to new pedestrian routes through the site. It is accepted that it may not be possible to achieve all the aims of the guidance. The applicants have stated that they will make a £52,980 contribution toward open space provision and environmental improvements. It is considered that the amount proposed is acceptable

### **Renewable Energy Technology**

- 6.25 Policy EP16 of the Croydon Plan refers to the requirement to ensure that all major developments incorporate renewable energy production equal to at least 10% of the energy requirements of the development. The technology to be used in compliance with the policy should be integral to the design of the development so that any design implications may be taken into account as part of the design and planning process. In order to comply with the Council's requirements on sustainability the application includes proposals for a Biomass Boiler system fuelled by wood pellets. This is considered acceptable in principle subject to details of the type of system proposed. A condition forms part of the recommendation which requires submission of the necessary details.

## **7. ENVIRONMENTAL CONSIDERATIONS**

- 7.1 Redevelopment of this brownfield site is acceptable in principle and the development would improve the environment and make more efficient use of the land. In addition the applicant's have agreed to make the necessary contribution towards public open space and sustainable transport initiatives.

## **8. EQUALITIES CONSIDERATIONS**

- 8.1 The proposal includes provision for two car parking spaces for people with disabilities and a design and access statement has been submitted as part of the application. The frontage building will include a lift and internal door openings and hallways throughout the development would allow full wheelchair access.
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Case Officer: David Alabi

Background Documents: Thirteen letters from the occupiers of adjoining and nearby property  
One letter from English Heritage

Contact Officer: Philip Mills Tel. 0208 760 5419