

06/00022/P

04/01/2006

Broad Green

Application for outline planning permission

Applicant:

Milford Group Ltd  
854 Brighton Road  
Purley  
Surrey  
CR8 2BH

Location: Garage, 399-403 London Road, Croydon, CR0

Description: Demolition of existing buildings; erection of two storey rising to an eleven storey building comprising a doctors surgery and a meeting room on part of ground, courtyard and first floors and 80 two bedroom flats in remainder of building; formation of vehicular access onto Midhurst Avenue and provision of associated parking

Drawing No(s): Planning, Design and Sustainability Statement, Sustainability and 10% Renewable Energy Statement 0510\_P\_01 to 33

Recommendation: **Refuse Permission**

Reason(s) for refusal :-

1. The development would be an overdevelopment of the site and would be detrimental to the visual amenity of the street scene and the character of the area by reason of its height, scale, massing and design and would thereby conflict with Policies BE1, BE3, BE21 and H10 of the Unitary Development Plan and Policy UD2, UD8, UD18 and H10 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan)
2. The design and layout of the development would not deter crime or reduce the fear of crime and would thereby conflict with Policy BE18 of the Unitary Development Plan and Policy UD4 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan)
3. The development would be detrimental to the amenities of the occupiers of adjoining property by reason of its size and siting resulting in visual intrusion and loss of privacy and would thereby conflict with Policies SP1, BE1, BE3 and BE17 of the Unitary Development Plan and Policies UD2 and UD6 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan)
4. No information has been provided to indicate that the development would include an element of affordable housing and would therefore be contrary to Policy H18 of the Unitary Development Plan and Supplementary Planning Guidance Note No 6 on Affordable Housing and Policy H13 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan)

5. The access would be excessive in width and would not provide satisfactory visibility splays and would be prejudicial to highway safety contrary to Policy BE10 of the Unitary Development Plan and Policy T43 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan)
6. The development would not provide adequate facilities for bicycle parking and would be contrary to Policy T37 of the Unitary Development Plan and Policy T14 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan)
7. The development would not include parking for disabled users and would thereby conflict with Policy T27 of the Unitary Development Plan and Policy T31 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan)
8. Inadequate information has been provided that the development would achieve 10% of energy needs by way of renewable sources and no information has been provided that the development would achieve 'Eco Homes Excellent Rating' and the development would therefore conflict with Policy BE23 of the Unitary Development Plan and Policies UD18 and EP23 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan)

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**Ward: Broad Green**

**DEVELOPMENT CONTROL COMMITTEE**

**Lead Officer: Head of Planning Control**

**March 30<sup>th</sup> 2006**

**APPLICATION NUMBER 06/0022/P -GARAGE, 399-403 LONDON ROAD, CROYDON**

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## **1. SUMMARY**

- 1.1 The application is for outline permission with the siting, means of access, external appearance and design to be determined at this stage and for landscaping to be a reserved matter.
- 1.2 The development would involve the demolition of the existing buildings and for the erection of a two storey building rising to eleven storeys comprising 80 two bedroom flats. It is proposed that a doctors surgery would occupy part of the ground and first floor with a small community meeting room also on the ground floor. Vehicular access would be from Midhurst Avenue to an undercover parking area providing 44 spaces.
- 1.3 The application has been referred to the Mayor of London as it is higher than 30m.

## **2. RECOMMENDATION**

- 2.1 Refuse planning permission for the reasons set out in the Agenda.
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## **3. BACKGROUND**

### **a) Site Description**

- 3.1 The application site is located on the western side of London Road between its junctions with Midhurst Avenue and Canterbury Road. It has a frontage of 58m onto London Road and a frontage of 38m onto Midhurst Avenue, with an overall site area of 0.34 hectare.
- 3.2 The site is occupied by a substantial single storey workshop building and showroom building, which together with the hard surfaced areas around them have until recently been used for car sales and repairs. The site currently lies vacant.
- 3.3 Vehicular access into the site, in connection with its former use was from London Road to the south of the sales building and from Midhurst Avenue, adjacent to the workshop building.
- 3.4 The surrounding area is very mixed in character, with a variety of residential and commercial uses, in buildings of various eras and forms.
- 3.5 Immediately to north of the site is 405 London Road, a 2/3 storey Edwardian building on the corner of London Road and Canterbury Road, now used for office purposes. To the rear of this building, fronting Canterbury Road is a single storey MOT repair workshop.
- 3.6 The site lies opposite Concord House, a seven storey office building, the ground floor of which is used as a Social Security Office. The Oshwal Temple now occupies a Grade II listed church building at the corner of Campbell Road, with its traditional church spire. Slightly further south at 420-430 London Road is the "Phillips building", a substantial 15+ storey office building, currently vacant.
- 3.7 To the west of the site is Canterbury Court, a three storey block of flats fronting Canterbury Road with parking areas to the rear. Midhurst Avenue to the south and west of the site comprises two storey terraced housing.
- 3.8 To the south, at the junction of Midhurst Avenue and London Road is a three storey commercial building, with retail use on the ground floor.
- 3.9 The site is within an Archaeological Priority Zone.
- 3.10 London Road is a London Distributor Road and Canterbury Road is a Local Distributor Road.

## **b) Planning History**

- 3.11 The site was originally used as a petrol station but since the 1980's has been used for car sales and repairs.
- 3.12 04/5313/P – In April 2005 planning permission was refused for the demolition of the existing buildings and the erection of a three/four/six/eight storey building comprising 2 four bedroom, 7 three bedroom and 59 two bedroom flats, the formation of a vehicular access and provision of associated parking.
- 3.13 05/2093/P – In July 2005 planning permission was refused for the demolition of the existing buildings and the erection of a four/five storey building comprising 54 two bedroom flats, formation of vehicular access and provision of associated parking.
- 3.14 Appeals have been lodged for both refused applications with a Hearing scheduled for April 19<sup>th</sup> of this year.
- 3.15 05/4841/P On February 8<sup>th</sup> 2006 planning permission was granted for the demolition of all existing buildings on the site and the erection of a three, four and five storey building to provide a total of 53 one and two bedroom flats, together with the formation of a vehicular access off Midhurst Avenue and the provision of 30 parking spaces, bicycle and bin stores and landscaping.

## **c) Proposal**

- 3.16 The current proposal is for a larger development than either of the two refused schemes or that recently granted planning permission. It comprises the erection of a two storey building rising to eleven storeys on the corner of Midhurst Avenue and London Road comprising 80 two bedroom flats of between 57.2 sq m to 72.5 sq m. The flats would be arranged on three sides of the site around a 695 sq m courtyard amenity area. A louvered privacy screen is shown around this area. In addition there would be a series of five smaller roof terraces at different levels. The density of the development would be 966 habitable rooms per hectare (hrh).
- 3.17 It is proposed that a doctors surgery would occupy part of the ground and first floor with a small community meeting room also on the ground floor. Vehicular access would be from Midhurst Avenue to an undercover parking area providing 44 parking spaces.
- 3.18 The building would comprise an outer cladding or "wrap". This would be formed of a palette of materials including solid core cladding, wood, aluminium/timber windows and glass and would have a malleable surface. The ground floor paving around the building and the courtyard area would comprise a random mix of granite, exposed concrete aggregate and concrete inset with London Plane trees and a bench seating area.
- 3.19 In terms of the design approach of the building the following excerpts have been lifted from the Summary of the Applicant's Planning, Design and Sustainability Statement:

*“This is not simply a tall building – it is intended to be a large building providing a significant mass to the west side of the London Road and thus balancing the immediate environment in urban design terms.*

*Whilst sustainability has been considered and integrated, it has not become an aesthetic driver given the scale of the proposal. Therefore the proposal makes best use of passive systems (day-lighting, ventilation, insulation) prior to achieving the target set in the Croydon Council 10% RE policy.*

*It is our intention not to break the building down into 3 or 4 blocks or use setbacks to achieve a building of scale on this site. This is a confident addition to the London Road, which celebrates its scale and mass, achieving quality and a relationship to its surrounding through the design of its public realm, pavement façade”, “the wrap” cladding and use of materiality”.*

#### **4. PLANNING POLICIES**

- 4.1 The relevant policies of the Unitary Development Plan are SP1, SP2, BE1, BE3-BE18, BE21, BE23, BE26, SP4, UC9, SP1, AR1-AR5, SP12-SP14, EP10, SP18, SP23, T6, T23, T27, T46, EM8, SP30-SP32, H2, H8, H10, H11, H12, H15, H16, H18, CS4 and IMP1.
- 4.2 The policies of the Second Deposit Draft Replacement Unitary Development Plan (referred to as the Croydon Plan) which would amend the above and which impact upon the proposal are SP1-SP3, UD1, UD2, UD4-UD6, UD8, UD10, UD11, UD13, UD14, UD16, UD18, UC14-UC18, RO15, SP11, SP15, EP7, EP9, EP12, EP13, EP15, EP22, EP23, SP16, T6, T14, T30, T31, EM5, SP19-SP24, H2, H3, H5, H8, H10, H13, CS1 and IMP1.

#### **5. CONSULTATIONS**

- 5.1 The application has been advertised in the Press as a Major Application. In addition 123 adjoining and nearby occupiers have been notified of the application. Two individual letters have been received from nearby residential occupiers. A further 17 identical letters have been received from residential occupiers along Midhurst Avenue. The following objections have raised:
- (1) Pressure on local parking from residents of the flats and users of the doctors surgery;
  - (2) Increased traffic generation;
  - (3) Height of building out of character with the area;
  - (4) The scheme would be too dense;
  - (5) Loss of light and privacy;
  - (6) The scheme takes no account of the wishes of local residents;
  - (7) An additional tall building will worsen the wind tunnel effect created by the Phillips building creating problems for residents;
  - (8) Increased noise and disturbance;
  - (9) Crime levels likely to increase;
  - (10) Concern about use of community meeting rooms;

(11) This with other developments in the area represent a huge increase in residents without additional facilities.

- 5.2 The Oshwal Association that run the community centre opposite the site have objected to the development on the grounds of insufficient parking provision and pressure on existing on-street parking spaces.
- 5.3 The Metropolitan Police Crime Prevention Design Advisor has raised a number of security issues that would need to be addressed should planning permission be granted. These relate to the need for a lighting strategy, restricting access to the uses and improved natural surveillance at ground floor level.
- 5.4 English Heritage has been notified of the application given that the site lies within an Archaeological Priority Zone and given that the development may affect the setting of the Grade II listed former church opposite the site on London Road. No response has been received.
- 5.5 The application has also been referred to the Mayor of London as it is higher than 30m. There would be no objection to a refusal of planning permission but if Committee members resolve to grant permission, the application should be referred to the Mayor for a decision.

## **6. CONSIDERATIONS**

6.1 The principal issues to be considered are:

- (1) The acceptability of a residential development on the site and density;
- (2) The impact of the development on the streetscene and the character of area,
- (3) The impact of the development on the amenities of the occupiers of nearby properties,
- (4) The standard of living accommodation and security issues;
- (5) The parking and highway implications,
- (6) Affordable Housing requirements.

### Principle of the Residential Development and Density

- 6.2 The principle of residential flatted development on this site has been established. The use of the ground floor as a doctors' surgery would also be consistent with Policy and would be acceptable, particularly given the increased demand that additional residential flats on this site and others in the vicinity would place upon existing health care facilities.
- 6.3 With a site area of 2483 sq m and 240 habitable rooms the development would result in a density of 966 hrh. This is significantly in excess of the maximum density of 300 hrh suggested in Policy H8 of the Croydon Plan. Whilst Policy H10 does permit densities over 300hrh, this should generally only be in areas of high accessibility to services and public transport provision, and amongst other things where the design is of high quality and appropriate to the character and context of

the area.

#### Impact on the streetscene and the character of the area

- 6.4 Application 04/5313/P comprised a building rising to 8 storeys. One of the reasons for refusal related to the excessive height of the building being out of character with the surrounding area. The current proposal for a building rising to 11 storeys would be even less appropriate.
- 6.5 The applicant has provided a Planning, Design and Sustainability Statement that considers the scale, form and bulk of the building and its relationship with the surrounding area.
- 6.6 Whilst the height of the development is derived from some other buildings in close proximity, it should be noted that there are no buildings of such a scale on the western side of the London Road, which is characterised primarily by two and three storey buildings of various forms and styles. The proposed building would be significantly at odds with these smaller scale buildings as well as the traditional two storey terraced housing in Midhurst Avenue.
- 6.7 The bulk and massing of the development combined with its height and assertive design would result in a building that does not sit comfortably within the streetscene and that would unduly dominate the surrounding buildings. It is considered that the design approach is innovative and may be acceptable in conjunction with a more modest sized building, although this has yet to be demonstrated.
- 6.8 High buildings (defined as being buildings significantly higher than most of the surrounding buildings or in excess of six storeys or 25 metres) are normally only permitted within that part of Central Croydon defined on the UDP proposals map, or in certain circumstances may be appropriate in Town and District Centres. This site is not within such an area and, in this case, the presence of the nearby Phillip's Building does not present enough justification for a building of this particular size and design on this site. The proposed building would also compete with the Listed church opposite.
- 6.9 Activity and fenestration on the ground floor is welcomed. However, this does not outweigh the concerns raised above.

#### Amenities of adjoining and nearby occupiers

- 6.10 Due to its height and overall size, the development would have an overbearing impact upon surrounding properties, particularly those along Midhurst Avenue. It is also likely that there would be some degree of overshadowing to properties on Midhurst Avenue adjacent to and to the south-west of the site. A combination of the number and position of windows on a building of this height would result in the overlooking of nearby residential property to an unacceptable degree.
- 6.11 The access to the development would be in the same position as shown on the previously approved scheme and the layout of the car parking area would also be

similar. This would result in an acceptable relationship with number 6 Midhurst Avenue. The bin and cycle stores are shown hard up against the boundary with number 6 but would be contained within the fold of the building.

#### Standard of living accommodation and security issues

- 6.12 The flats would be an acceptable size and would have a generally acceptable layout, although internal kitchen areas are less than ideal. Each of the flats would have a small enclosed balcony area measuring approximately 2.5 sq m. A courtyard area of 695 sq m would serve all of the flats. In addition 5 smaller roof terraces would provide additional amenity space. The amount of amenity space is considered acceptable and would be in excess of that provided in the scheme that has been granted permission. There is a concern about the quality and usability of the larger courtyard area. It would be located at first floor level and would be overshadowed by the building that would wrap around three sides of the courtyard.
- 6.13 A number of security issues relating to for example, the surveillance and lighting to the undercover car parking area and restricting access to this car parking area and courtyard area could be dealt with by condition. There is however, a concern relating to the design of the building. The entrance area for the flats at the front of the building is set back from the doctor's surgery and the road, providing a sheltered area where surveillance from the street is restricted. In addition, the entrance to the doctors surgery is immediately adjacent to an entrance for the flats. These design aspects would result in an environment where people unconnected to the development could gather, resulting in an unsafe residential environment.

#### Parking and Highways

- 6.14 The proposed access off Midhurst Avenue is considered acceptable, although its width at 5.6m would be excessive resulting in unnecessary conflict between pedestrians and vehicles. In addition no visibility splays are shown. It is unlikely that the number of vehicle movements to and from the site would be greater than for the previous use of the site for car sales and repairs.
- 6.15 The site has a public transport accessibility level (PTAL) of 3, with relatively good public transport links and local services. Forty four parking spaces are proposed which results in a provision of 55%. The proposal may result in some additional on-street parking, particularly from visitors, but it is not considered that this would be an appropriate reason for refusal of the application, particularly given the relatively sustainable location of the site. In addition, this is the same ratio of parking as the previous application granted planning permission which provided 30 spaces for 53 flats.
- 6.16 No disabled users parking bays are shown within the scheme. Facilities for bicycle parking are shown although its size is unlikely to provide satisfactory provision for one space per flat.

#### Affordable Housing Provision

6.17 Whilst it is anticipated that Milford Homes would be willing to provide affordable housing on site given that this has been agreed on the approved scheme, no reference to affordable housing provision has been made in the application documentation. It is, therefore, considered appropriate to safeguard the Council's position by refusing permission on this ground. Should the application be refused and appealed, the matter would be further discussed with the applicant.

## **7. ENVIRONMENTAL CONSIDERATIONS**

7.1 Whilst the application details states that there is a commitment to the provision of 10% renewable energy through the provision of solar water heating and ground source heat pumps, the information provided is lacking in sufficient detail to be certain at this stage that this could be met. The application also makes no reference to achievement of the BREEAM Eco-Homes Assessment. In order to safeguard the Council's position, it is recommended that that a refusal reason relating to the lack of information on these issues would be appropriate. Should the applicant appeal against a refusal of planning permission, the Council could further discuss these matters with the applicant.

## **8. EQUALITIES CONSIDERATIONS**

8.1 Level access and lift provision would be provided. No disabled users bays are provided and there is no information whether a proportion of the flats would achieve Lifetime Homes Standards

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Report Author: Clare Malcomson

Background Documents: 19 letters from adjoining and nearby residents  
Letter from the Oshwal Association  
Letter from The Metropolitan Police Crime Prevention Design Advisor  
Letter from English Heritage  
Letter and e-mail from the GLA

Contact Officer: Philip Mills Tel 020 8760 5419