

**Agenda Item: 6.16**

**This is a Major Application for which the 13 week period expires on 19/06/2006.**

06/01126/P                      20/03/2006                      Kenley

Application for full planning permission

Agent:	Applicant:
Mr R Harper	Chantry Estates
Chantry Estates	70 High Street
70 High Street	Teddington
Teddington	Middlesex
Middlesex	TW11 8JD
TW11 8JD	

Location: R/O, 143-147 Brighton Road, Purley

Description: Erection of two storey building with accommodation in roofspace comprising 10 two bedroom flats; extension of access road serving development at 133-141 Brighton Road and provision of associated parking

Drawing No(s): C5/BRP/001/A; C5/BRP/002; C5/BRP/003; C5/BRP/004; C5/BRP/005; C5/BRP/006; C5/BRP/007; C5/BRP/008; C5/BRP/009; C5/BRP/010.

**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. Unless otherwise previously agreed by the Local Planning Authority in writing the following shall be provided as specified in the application before any part of the development is occupied and those in Section A shall also be retained for so long as the development remains in existence.

Section A

- (1) car and cycle parking arrangements
- (2) sight lines onto Brighton Road (A23)
- (3) retaining wall and communal garden area

Section B

- (4) refuse and recycling collection facilities
- (5) any boundary fences or other means of enclosing the site

Reason: To ensure that an acceptable standard of development is provided and retained

2. The approval of the Local Planning Authority shall be obtained with respect to the following matters before the development is begun and when approved shall only be implemented in accordance with such approved details:-

- (a) roads, footpaths and access routes within the site including levels and
- (b) the external facing materials of the building and the hard
- (c) security lighting to the parking area

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(d) finished floor levels of the building in relation to existing and proposed  
Reason: To ensure an acceptable standard of development is provided and retained and that the appearance and security of the development is satisfactory having regard to Policies BE1, BE10, BE13 and BE18 of the Unitary Development Plan and Policies UD2, UD4 and UD10 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan)

3. A landscaping scheme to include existing and proposed planting shall be submitted to the Local Planning Authority for approval before the development is begun; when approved, the 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 BE14 of the Unitary Development Plan and Policy UD13 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan)

4. The existing planting shall not be felled, lopped, topped or otherwise removed during the course of development or within five years after completion, without the prior written consent of the Local Planning Authority; any planting which is removed without consent, or dies or is severely damaged or becomes seriously diseased before the end of that period shall be replaced with planting of such size and species as may be agreed with the Local Planning Authority; this condition shall not be construed as overriding the requirements to obtain consent under any Tree Preservation Order or the legislation concerning trees in Conservation Areas

Reason: To protect the visual amenities of the locality in accordance with Policy BE14 of the Unitary Development Plan and Policy UD13 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan)

5. A scheme of protective fencing to be erected around each tree or group of trees referred to in the foregoing condition shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the commencement of any demolition, site clearance or development works. The fencing shall be erected around each tree or group of trees at a distance to be specified in the scheme and in accordance with British Standard 5837:2005. The fencing shall be not less than 2 metres in height and shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either 'Heras' panel fencing or 20 mm exterior grade ply or other robust man-made boards (in accordance with British Standard 5837:2005. The fencing shall be kept in position at all times unless otherwise agreed in writing with the Local Planning Authority until the completion of the development

Reason: To ensure that the trees to be retained are not damaged by the construction and associated works in accordance with Policy BE14 of the Unitary Development Plan and Policy UD13 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan)

6. No service trench or pipeline shall be located within 5 metres of the trunk of any tree to be retained without the prior written approval of the Local Planning

Authority

Reason: To ensure that the trees to be retained are not damaged by the construction and associated works in accordance with Policy BE14 of the Unitary Development Plan and Policy UD13 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan)

7. No structures, vehicles, plant, machinery, equipment, materials or spoil shall be positioned or stored within 5 metres of the trunk of any tree to be retained and no cement, oil or tar, bitumen or other similar material shall be stored within 10 metres thereof without the prior written approval of the Local Planning Authority  
Reason: To ensure that the trees to be retained are not damaged by the construction and associated works in accordance with Policy BE14 of the Unitary Development Plan and Policy UD13 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan)
8. No window shall be formed in the northern or southern elevations at or above first floor level other than as specified in the application  
Reason: To protect the privacy of adjoining occupiers in accordance with Policy BE17 of the Unitary Development Plan and Policy UD6 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan)
9. The windows at or above first floor level in the south-west facing elevation shall be glazed in obscure glass and retained in that form for so long as the development remains in existence  
Reason: To protect the privacy of adjoining occupiers in accordance with Policy BE17 of the Unitary Development Plan and Policy UD6 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan)
10. Before the development is begun 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 EP8 of the Unitary Development Plan and Policy EP9 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan)

11. 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 Unitary Development Plan and Policy EP23 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan)

12. No development shall take place until the applicant has provided to the Local Planning Authority for approval an independently verified EcoHomes report that achieves 'Excellent' rating with certification. The approved scheme shall then be provided in accordance with these details. A certificated EcoHomes Post Construction Review shall be provided, verifying that the agreed standards have been met, prior to the first occupation of the development.

Reason: To accord with Policies UD1 and UD18 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan)

13. Details of the acoustic installation to the windows and additional acoustic screen fencing to the south-eastern boundary (as recommended in the PPG24 Noise Survey by Adnitt Acoustic Services dated 3 February 2006) shall be submitted to and approved by the Local Planning Authority in writing and shall be installed or erected as approved before the development is occupied and shall be retained for so long as the development remains in existence

Reason: To protect the amenities of the future occupiers of the development from noise from the adjoining railway lines in accordance with Policy EP10 of the Unitary Development Plan and Policy EP7 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan)

14. 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

In granting permission the local planning authority had regard to the following policies:-

1. The relevant policies of the Unitary Development Plan are SP1-2, BE1, BE3, BE10-14, BE16-18, BE23, SP9, RO15, SP11, NC4, SP12-14, EP8, EP10, SP18, SP25, T6, T23, T27, T37, T46, SP30-31, H2-3, H8, H11, IMP1.
2. The relevant policies of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan) are SP1-3, UD1-2, UD4-6, UD10-11, UD13-14, SP8, RO15, SP9, NC4, SP11-12, SP15, EP7-10, EP12, EP15, EP22-23, SP16, T6, T14, T30, T43, SP20, SP22, H2, H4, H8, IMP1.

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

- (a) the relationship of the development to adjacent property
- (b) the character of the development in the surrounding area
- (c) the impact on the amenities of the occupiers of adjacent and nearby properties
- (d) the light and outlook of occupiers of adjacent and nearby properties
- (e) the privacy of occupiers of adjacent and nearby properties
- (f) the relationship of the development to trees to be retained
- (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 housing policies of the development plan

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- (k) sustainability issues
- (l) the recreational open space policies of the development plan
- (m) the urban design policies of the development plan
- (n) the environmental protection policies of the development plan
- (o) the transport policies of the development plan
- (p) the provision of satisfactory living accommodation for future residents of the flats

and having regard to all other matters raised.

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**Ward: Kenley PLANNING CONTROL COMMITTEE**  
**Lead Officer: Head of Planning Control 25 May 2006**

## **APPLICATION NO. 06/1126/P – R/O 143-147 BRIGHTON ROAD, PURLEY**

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### **1. SUMMARY**

- 1.1 This report concerns an application for full planning permission to erect a two-storey building with accommodation in the roof space comprising 10 two-bedroom flats; the extension of the access road serving the development at the rear of 133-141 Brighton Road and provision of 10 parking spaces with associated landscaping.
- 1.2 It is submitted as a duplicate application as an Appeal has been lodged against the previous case which was not determined within the statutory time period. The Council have resolved not to contest this appeal, but it is scheduled to be looked at by the Planning Inspectorate at a Hearing on 6 June 2006.

### **2. RECOMMENDATIONS**

- 2.1 Subject to the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990, to secure a financial contribution for appropriate enhancement of a local open space, grant planning permission subject to the conditions and reasons set out in the Agenda.

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### **3. BACKGROUND**

#### **(a) Site Description**

- 3.1 The application site has been amended during consideration of this scheme and includes part of the land currently under construction at 133 and land to the rear of 135-141 Brighton Road. This would provide access into the development site at the rear of 143-147 Brighton Road.
- 3.2 In addition to part of the adjacent development site, the site forms part of the rear gardens to nos. 143-147 which are 2-storey semi-detached houses with rooms in the roof space, constructed in the inter-war period. The surrounding area is entirely residential in character.

3.3 The land slopes up towards the rear boundary with the adjoining railway line. There are a number of mature trees in the north-eastern corner and more beyond the rear boundary, which are within the ownership of Network Rail.

3.4 Brighton Road (A23) is a London Distributor Road as defined in the draft Croydon Plan.

(b) Relevant Planning History

3.5 05/4066/P- this is for the same development on the same site and is currently under Appeal - see paragraph 1.2 above.

The following applications on the adjoining site to the north were within the same ownership, but have since been sold to another developer. However they are also relevant to this application:-

3.6 03/2499/P – This was an application for development of 14 flats (12 no. 2 bedroom and 2 no. 3 bedroom units) with a new access road, 14 parking spaces and associated landscaping. An Appeal against non-determination of the application was lodged but it was resolved not to context the Appeal, subject to certain conditions being met. The Appeal was dismissed.

3.7 04/2036/P- This was a similar application for the same development, and was also not determined. At the same appeal hearing, the appeal was allowed on 29/9/04

(c) Proposal

3.8 The building would be 12m-14m deep by 20.8m wide and would follow the front and rear building lines of the approved buildings to the north. At the rear would be a retaining wall and communal garden, some 11m-12m deep, and extending across the width of the site from north to south. There would be 4 flats per floor and an additional 2 flats within the roof space, served by dormer windows to the front and rear. The total floor area would be 709sq.m, providing 2 bedroom flats with floor areas of 56sqm, 61sqm and 71sqm.

3.9 The buildings would be constructed in stock brickwork with projecting feature front bays in painted render and slate roof tiles. The precise details of the materials can be dealt with at later stage, by condition.

3.10 Indicative new planting has been shown along the north-western boundary in front of the building and within the rear amenity space. The refuse enclosure would be sited alongside the north-western boundary. A secure cycle store is also shown adjacent to this area. There would be 9 parking spaces also adjacent to the north-western boundary, and a further space in front of the building. The site would be enclosed along the south-western boundary by a 1.8m high fence.

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

4.1 The relevant policies of the Unitary Development Plan (UDP) are SP1-2, BE1, BE3, BE10-14, BE16-18, BE23, SP9, RO15, SP11, NC4, SP12-14, EP8, EP10, SP18, SP25, T6, T23, T27, T37, T46, SP30-31, H2-3, H8, H11 and IMP1.

- 4.2 The relevant policies of the Second Deposit Draft Replacement UDP (the Croydon Plan) are SP1-3, UD1-2, UD4-6, UD10-11, UD13-14, SP8, RO15, SP9, NC4, SP11-12, SP15, EP7-10, EP12, EP15, EP22-23, SP16, T6, T14, T30, T43, SP20, SP22, H2, H4, H8 and IMP1.
- 4.3 The relevant policies of the Modified Second Deposit Draft Replacement UDP (the Croydon Plan) are SP1-3, UD1A, UD2, UD4-6, UD10-11, UD13-14, SP8, RO15A, SP9, NC4A, SP11-12, SP15, EP1A, EP8-10, EP12A, EP22A, EP23A, SP16A, T6A, T14, T30A, T43A, SP20, SP22, H2, H4 and H8.

## **5. CONSULTATIONS**

- 5.1 The application has been advertised in the local press as a “major” application under the provisions of the Town and Country Planning (General Development Procedure) Order 1995.
- 5.2 Thirty-one occupiers of adjoining and nearby property have been notified. Two replies have been received, concerned about visual intrusion, loss of light, noise and pollution from future occupiers, the increase in density and the increased traffic arising from the development.
- 5.3 Network Rail have no objections subject to certain safeguarding conditions being applied in relation to the demolition of the building, excavations or surface water drainage near to the railway boundary, fencing and landscaping.
- 5.4 The Crime Prevention Design Advisor has asked for “Secured by Design” principles to be applied, in terms of fencing, landscaping and security lighting.
- 5.5 Transport for London had no objections in principle to the scheme now under appeal as they considered the overall daily increase in traffic from the development would be small, thus not significantly affecting the Brighton Road (A23). However, in regard to this latest duplicate application they are now concerned about the ability of large vehicles/pantechincons (12m long) and fire appliances being able to turn within the existing corner location on the access road on the adjoining site, and having to reverse longer distances along the access road. They state this could be a road safety hazard in relation to the main road (A23). They have requested that the applicant supply detailed information about this and also show that there is unrestricted visibility onto the A23. These details are awaited at the time of writing.

## **6. CONSIDERATIONS**

- 6.1 The principal issues to be considered are:
- (a) the effect on the character and visual amenity of the area
  - (b) the amenity and privacy of the adjoining properties;
  - (c) parking, traffic and highway conditions in the locality;
  - (d) trees and vegetation;
  - (e) the amenities of the future residential occupiers;
  - (f) open space provision

### Principle of Residential Development

- 6.2 Policy H2 of the UDP and Policy H2 of the Croydon Plan both permit housing development within built up areas provided that the development does not conflict with the aims of protecting the character of residential areas and there is no loss of other protected uses.
- 6.3 The site is a backland site to which Policy H3 of the UDP and H4 of the Croydon Plan also applies. This states that residential development on back garden and backland sites will only be permitted where it maintains the character and protects the amenity of adjoining residential areas.
- 6.4 Backland developments are nevertheless appropriate to this area, with a development of 14 units in 2 buildings currently under construction adjoining this site. Therefore there is no objection in principle to this development, which will extend the existing access road. Other developments include a scheme for three houses at the rear of 185 Brighton Road recently completed, following Bouverie Gardens, an older development, to the south. In addition, a development of 10 dwellings, at 203-203A Brighton Road, including 8 houses in a backland position, has recently been completed.
- 6.5 The proposal would provide 30 habitable rooms at a density of 311 habitable rooms per hectare, which is just above the density range for mixed housing schemes, in Policy H8 of the UDP of the draft Croydon Plan. Therefore, subject to character, amenity and design matters, a residential development of this site is acceptable in principle.

#### Effect on character and visual amenity

- 6.6 The building would be wider than the blocks to the north, but there would still be an acceptable spacing between proposed and permitted buildings not to affect the visual amenity of the area. The proposed building would have a similar design, height and appearance to the permitted buildings to the north. The Inspector did not consider the permitted buildings would affect views from Brighton Road, and this could be limited further by planting along the boundary with the host properties. In addition, he said there would be sufficient space around the buildings to prevent any feeling of over development.
- 6.7 The design and appearance of the development would be of a contemporary nature and similar to that being constructed to the north. The proposals allow for areas of communal landscaping which would assist in integrating the development into its surroundings.

#### Impact on Neighbouring Properties

- 6.8 In terms of the impact on the amenities of adjoining occupiers, the Appeal Inspector on the adjoining site agreed to the front parking, and considered although there would be some noise and disturbance from vehicles, this would not be unreasonable. The present scheme replicates the design and layout approach to the front parking area. The distance between the proposed building and the main rear elevations of properties in Brighton Road would be 43m, and this would be an acceptable distance to avoid loss of amenity from visual intrusion or loss of privacy.

### Parking and Highway Implications

- 6.9 The development of 10 units would be served by a total of 10 parking spaces. This is considered appropriate for the area.
- 6.10 The extended access road is considered to be of sufficient width to serve the proposed development and adequate sightlines can be secured onto Brighton Road. The proposal would not result in any significant increase in vehicular movements that would endanger pedestrian or vehicular safety.
- 6.11 Transport for London have commented that large vehicles would not be able to manoeuvre on site and would need to reverse along the access road to a turning area provided for the adjacent development. However, it is not considered that a pantechnicon would need to regularly use this part of the site and for the development to provide additional turning facilities would result in a reduction in the size of the proposed building. In addition, it would limit other external opportunities such as parking and landscaping.

### Trees and Vegetation

- 6.12 Three trees are shown to be removed within the central part of the site. However, these are not of any particular amenity value and their removal would be acceptable. Other major trees alongside the boundary with the railway would be able to be retained.

### Amenities of Future Occupiers

- 6.13 The layout of the development, room sizes, amenity space and parking provision are appropriate and would provide a reasonable standard of living for any new occupiers.
- 6.14 The site adjoins the main railway line between Croydon and Brighton. Policy EP7 of the Draft Croydon Plan states that the Council will only grant planning permission for noise sensitive development where satisfactory provision has been made to mitigate the impacts of the existing noise environment. A noise assessment has been carried out under the guidelines set out in PPG24 for the appeal development and has resulted in a "C" categorisation. This states that conditions should be applied to ensure a commensurate level of protection against noise. A condition to this effect has been included on the Agenda.

### Open space provision

- 6.15 Policy RO15 of the Draft Croydon Plan is relevant, because the scheme proposes between 10 and 29 dwellings, and the site is within an area deficient in local parks. It is approximately 1.4 kms walking distance from the nearest local park at Higher Drive Recreation Ground, to the south east of the site. The developer would be expected to make a commuted payment for the appropriate enhancement of a nearby open space, or purchase of land to create public open space, equal to the cost of creating an area of on-site open space. Where there is no opportunity for enhancement of open space within 400 metres of the development, the Council will seek a reduced contribution for enhancement of space further away. The applicant has agreed a contribution of £5000 and this can be secured through the Section 106 Agreement.

## **7. ENVIRONMENTAL CONSIDERATIONS**

- 7.1 The development would make a more efficient use of an existing developed site in that it would result in a net increase in dwellings without significant adverse impact on the local environment. The applicant has submitted a sustainability statement which advocates the use of sustainable building materials. Conditions are suggested to cover renewable energy requirements for the building and the provision of an “Eco-Homes” report.

## **8. EQUALITIES CONSIDERATIONS**

- 8.1 Level threshold access would be provided to the proposed buildings and the proposed access would be accessible, safe and convenient for pedestrians and wheelchair users.

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Case Officer: John Lawson

Background Documents: 2 letters from occupiers of adjoining property  
Letter from Network Rail  
Letter from Transport for London  
Letter from Crime Prevention Design Advisor

Contact Officer: Phil Mills 0208-686-4433 (extension 62922)