

Agenda Item: 6.9

This is a Major Application for which the 13 week period expires on 09/10/2006.

06/02852/P 10/07/2006 Ashburton

Application for full planning permission

Agent:
W S Planning
15 Bell Street
Reigate
Surrey
RH2 7AD

Applicant:
Milford Group Ltd
Orion House
844 Brighton Road
Purley Surrey
CR8 2BH

Location: 335 Lower Addiscombe Road, Croydon, CR0 6RG

Description: Demolition of existing building; erection of three/four storey mixed use building comprising ground floor use within class A1 (retail) / A 3 (food and drink) and residential accommodation of 21 two bedroom and 2 one bedroom flats; formation of vehicular access and provision of associated parking (without compliance with condition 3 - requiring 50% of ground floor to be used for A3 purposes - attached to planning permission 04/2957/P)

Drawing No(s):

Recommendation: **Grant Permission**

In granting permission the local planning authority had regard to the following policies:-
The relevant policies of the Croydon Replacement Unitary Development Plan (the Croydon Plan) are SH1, SH3 and SH4

The development is considered to be satisfactory in relation to the following:-
(a) the shopping policies of the development plan
and having regard to all other matters raised.

Ward: Ashburton
Lead Officer: Head of Planning Control.

PLANNING COMMITTEE
14th December 2006

Application Number: 06/02852/P Black Horse Inn Public House, 335 Lower Addiscombe Road, Croydon CRO

1. SUMMARY

- 1.1 This report relates to an application for removal of Condition 3 of the planning permission 04/2957/P for demolition of existing buildings; erection of part 3/part 4 storey mixed use building comprising ground floor A1/A3 Use and residential accommodation of 2 x one-bedroom flats and 21 x two-bedroom flats and parking for 16 vehicles. Condition 3 requires that 50 % of the ground floor is used for A3 purposes (A3, A4 or A5 under the amended Use Classes Order 2005).

2. RECOMMENDATIONS

- 2.1 Grant planning permission for the removal of Condition 3 which required that 50% of the proposed ground floor to be used for A3 purposes.
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3. BACKGROUND

3.1 (a) Site Description

The site has frontages to Lower Addiscombe Road of 34m and to Blackhorse Lane of 39m, and an area of 0.15ha (0.36 acres). It is being developed for part 3/part 4 storey mixed use building comprising ground floor A1/A3 Use and residential accommodation of 2 x one-bedroom flats and 21 x -two bed roomed flats .

- 3.2 Adjoining and nearby the application site, and fronting Lower Addiscombe Road are mostly two storey inter war render and brick faced terraced buildings, many with front gables, and with retail and related uses on the ground floor and residential and commercial uses above. The only exception in the immediate vicinity is the three storey Barclays Bank building at No 341.

- 3.3 In Blackhorse Lane, opposite the application site, and to the north, is two storey terraced Victorian housing, in single family use, faced in render and brickwork, and with tiled roofs. Immediately to the north of the site is an access road leading to the car park and service yard of the Co-op Supermarket. The service yard is located immediately to the west of the site.

- 3.4 The application site is located within Addiscombe Local Centre as identified in the Croydon Replacement Unitary Development Plan (The Croydon Plan). It is not located within a designated Main Retail or Secondary Retail frontage. Lower Addiscombe Road is identified as a Borough Distributor Road and London Distributor Road whilst Blackhorse Lane is identified as a Local Distributor Road.

3.5 (b) Relevant Planning History

03/4518/P- In March 2004 permission was refused for the demolition of the existing public house and the erection of a three storey building with accommodation in the roofspace comprising 21x 2 bed and 3x 3 bed flats, the provision of 24 parking spaces and the formation of a vehicular access from Blackhorse Lane. It was refused on the grounds of lack of a mixed use development, unacceptable height and design, impact on the outlook for the occupiers in Blackhorse Lane, inadequate car and cycle provision and lack of regard to the principles of sustainable development.

- 3.6 04/2957/P-Demolition of existing buildings; erection of part 3/part 4 storey mixed use building comprising ground floor A1/A3 Use and residential accommodation

of 2 x one-bedroom flats and 21 x two-bedroom flats and car parking spaces for 16 vehicles- Approved in February 2005 subject to a legal agreement relating to affordable housing and contributions towards local open space and public art. The decision notice was issued in July, 2005 and works began shortly after. Condition 3 required at least 50% of the ground floor retail use shall be retained as A3 retail (restaurants, pubs, snack bars, cafes, wine bars and shops for the sale of hot food).

- 3.7 05/5040/P -Planning permission was sought to remove the requirement to retain at least 50% of the ground floor to be used for A3 purposes.

This application was recommended for approval but was refused by Committee on 16th March for the following reason and is now subject to an appeal.

“The proposal would fail to maintain the vitality of the area and the existing broad pattern of shopping provision within the borough and does not ensure that an adequate level and range of shopping facilities is provided; this would thereby conflict with Policies SP33 and SP36 of the adopted Unitary Development Plan and Policy SP25 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan)”

- 3.8 06/ 2853/LP- Lawful Development Certificate refused for use of ground floor of building currently under construction for A1 purposes. This is also now subject to an appeal.

- 3.9 (c) Proposal
Condition 3 attached to planning permission 04/2957/P required at least 50% of the ground floor of the commercial unit to be used for A3 purposes. This application seeks to remove this requirement which would result in the ground floor being used for A1 purposes only. This application is identical to the previous application but includes additional information seeking to justify this proposal.

4. PLANNING POLICIES

- 4.1 The relevant policies of the Croydon Replacement Unitary Development Plan are SH1, SH3 and SH4.

5. CONSULTATIONS

- 5.1 The occupiers of thirty adjoining and nearby occupiers have been consulted. No comments have been received.
- 5.2 Cllr Eddy Arram has indicated that he has no objection to the loss of A3 use on the site.
- 5.3 The Canning and Clyde Road Residents Association have commented that this important landmark site should have as much as possible of the ground floor given over to being a pub as there has been a pub on the site since the 15th century.

6. CONSIDERATIONS

- 6.1 The issue to be considered is whether at least 50%of the ground floor of the new building should be retained for an A3 use. Matters regarding the demolition of the

public house, size, scale and design cannot be considered. Counsel opinion has been sought with regard to the appeal and the current application.

- 6.2 Counsel is of the opinion that the prospects of Croydon successfully resisting the appeal are very low as there is no empirical evidence that the vitality and viability of the area is under threat.
- 6.3 As a result the current decision (for 5/5040/P) is not sustainable on appeal. Counsel goes on to state that the view as set out in the Croydon Plan is that changes of use between A1, A2, A3, A4 and A5 will be permitted unless the retail function and vitality will be undermined. There is no evidence that such is the case in this area.
- 6.4 Counsel also disagrees that a refusal of permission should relate to the fact that the area does not have any traditional style pubs since the loss of the Black Horse. She has confirmed that as there is no policy to protect such pubs, that this is an irrelevant factor.
- 6.5 Counsel takes the view that the prospects of success on appeal are not only poor but also are likely to be considered unreasonable by the Inspector. This is due to the inconsistency with the Croydon Plan, the lack of empirical evidence and the arguably ulterior motive of trying to make sure there is a traditional style pub in the area.
- 6.6 The applicants maintain they have had no interest from potential public houses or restaurant users and that the commercial unit is likely to be at least partially vacant unless this restriction is removed. They have stated that they have interest from several potential occupiers looking to purchase or rent the site but only for A1 retail purposes. The Housing Association has also written to express support to remove the need for any future public house use on the ground floor. There are 9 premises in the immediate vicinity which are either in use as restaurants /café or takeaway.
- 6.7 The proposal still provides a mixed used development of retail and residential uses and it is considered that there is a possibility that at least part of the ground floor would be vacant once the construction has been completed and the rest of the building occupied. The proposal satisfies the requirements of policy SH4 of the Croydon Replacement Plan regarding maintaining retail vitality of Local Centres and there are no specific policies resisting the loss of public houses.

7. ENVIRONMENTAL CONSIDERATIONS

- 7.1 None relevant

8. EQUALITIES CONSIDERATIONS

- 8.1 None relevant

Case Officer:	Kieran Gilmore
Background Documents:	Letter received from Cllr Arram Letter received from Canning and Clyde Road Residents Association.
Contact Officer:	Mr. P. Mills 020 8760 5419