

Agenda Item: 6.4

This is a Major Application for which the 13 week period expires on 16/05/2008.

08/00462/P 15/02/2008 West Thornton

Application for full planning permission

Agent:
Mr Harper
Chantry Estates
3 Park Road
Teddington
Middlesex
TW11 OAP

Applicant:
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TW11 9AW

Location: 21-27 Thornton Road, Thornton Heath, CR7

Description: Demolition of the existing buildings; erection of a 4 storey building with roof garden comprising 19 two bedroom and 1 one bedroom flats; provision of secure cycle storage

Drawing No(s): TH07/EL01 Rev B, EL02 Rev B, EL03 Rev A, PL02 Rev B, PL03 Rev B, PL04 Rev B, PL05 Rev B, PL06 Rev B, PL07 Rev B, PL08 Rev A & TH/PL08

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 approval of the Local Planning Authority shall be obtained with respect to the following matters. These approved details shall be retained for so long as the development remains in existence:-
 - (1) bicycle storage
 - (2) refuse storageReason: To ensure an acceptable standard of development having regard to the policies of the Croydon Replacement Unitary Development Plan (The Croydon Plan)

2. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Such details shall include existing planting to be retained, species and size of proposed new planting, (including details of proposed

planting for the roof terrace), hard landscaping materials (which shall be permeable as appropriate) and all boundary treatment within and around the development. The approved details 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. All planting 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 Policies UD1, UD2, UD6, UD13 and UD14 of the Croydon Replacement Unitary Development Plan (The Croydon Plan).

3. 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)

4. 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 EP3 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)

5. A noise assessment shall be carried out to the approval of the Local Planning Authority before the development is begun and any remedial measures

identified in the assessment as being necessary to maintain a suitable internal environment according to the Guidelines for Community Noise (World Health Organisation, 1999) shall be carried out to the approval of the Local Planning Authority before the development is occupied.

Reason: To ensure that an acceptable standard of development is provided and maintained in accordance with Policy EP1 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. If such requirements are to be provided by means of a biomass boiler in full or part, details shall also be provided to demonstrate that the boiler will be used, which shall include a commitment to maintain the boiler and details of how a long term fuel supply can be secured and delivered. The approved scheme shall then be provided in accordance with these details prior to the first occupation of the development and thereafter retained and used for energy supply 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. No development shall take place until the applicant has provided to the Local Planning Authority for approval a design stage report, verified by a Code for Sustainable Homes assessor, confirming that the design will achieve Code for Sustainable Homes Level 4. The approved scheme shall then be provided in accordance with these details. Prior to the first occupation of the development, the developer will provide a report and certification, confirming that Code for Sustainable Homes Level 4 has been achieved in construction.
Reason: To accord with Policies UD1-3 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)
8. The existing access to Thornton Road shall be closed as specified in the application before any part of the development is occupied
Reason: To ensure that the traffic conditions do not create conditions prejudicial to the free flow of traffic and the general safety of road users in accordance with Policy T11 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)
9. 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)

10. 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:-

- . The relevant policies of the Croydon Replacement Unitary Development Plan (the Croydon Plan) are SP1, SP2, SP3, SP13, SP14, SP17, SP18, SP20, SP22, UD1, UD2, UD3, UD7, UD8, UD14, UD15, UC11, EP16, T2, T4, T8, EM5, H2, H9, H10 and H13.

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 housing policies of the development plan
- (h) the archaeology policies of the development plan
- (i) sustainability issues
- (j) the urban design policies of the development plan
- (k) the environmental protection policies of the development plan
- (l) the transport policies of the development plan
- (m) the provision of satisfactory living accommodation for future residents of the flats

and having regard to all other matters raised.

Informative(s) :-

- 1 The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with appropriate English Heritage guidelines.

Ward: West Thornton
Lead Officer: Head of Planning Control

PLANNING COMMITTEE
8th May 2008

Application Number: 08/00462/P – 21-27 Thornton Road, Thornton Heath, CR7

1. SUMMARY

- 1.1 This is a full application for the demolition of the existing buildings; erection of a 4 storey building with roof garden comprising 19 two bedroom and 1 one bedroom flats; provision of secure cycle storage.

2. RECOMMENDATION

- 2.1 Grant planning permission subject to the conditions and reasons set out in the agenda, and the prior conclusion of a Section 106 Legal Agreement in relation to Sustainable Transport, Open Space, Health, Education and Library books.
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3. BACKGROUND

Site Description

- 3.1 The subject site is occupied by a two storey building used for retailing purposes at ground floor level (a carpet shop) with associated storage at first floor level. The remainder of the site is occupied by a scaffolding storage yard. At the rear of the site there is a large canopy covering scaffolding storage with further storage of scaffolding being located around the edges of the site. On the Thornton Road frontage there is a large 48 sheet advertising hoarding.
- 3.2 The site is located within the Thornton Heath Pond Local Centre, and this section of Thornton Road has been designated as a Strategic Road.
- 3.3 There is a mix of uses in the area, although this short section of Thornton Road has a commercial character. To the south the site abuts a brick wall measuring approximately 8-10 metres in height which forms part of the adjoining bus garage. To the west of the site there are two storey, terraced residential properties. To the east and north of the site are various commercial uses, including A2, A4 and A5 uses, a car dealership and a religious association.
- 3.4 The buildings in the surrounding area exhibit a mixture of styles but are generally fairly small in scale (2-3 storeys) apart from the four-storey flat conversion at 30 Thornton Road. The buildings are interspersed with undeveloped areas such as the car sales use opposite.
- 3.5 The site area is 0.08 hectares.

Designations

- Archaeological Priority zone
- Area of High Density
- Primary shopping area

- Thornton Heath Pond Local Centre

Relevant history:

3.6 There is a history of advertisement consent relating to the advertising hoarding at the front of the site. Other relevant planning history includes:

92/00165/P – Planning application submitted in 1992 for the erection of a four storey office building; formation of access and provision of 11 parking spaces - Withdrawn.

92/01732/P – Planning application submitted in 1992 for the erection of a four storey office building; formation of vehicular access and provision of 17 parking spaces – Not determined.

95/00951 – Use for the display and sale of up to 37 motor vehicles, erection of boundary wall and railings – Planning permission was granted, however, there is no evidence to suggest that this permission has ever been implemented, this permission has now expired.

07/00879/P – Permission was refused on the 31st May 2007 for the demolition of existing buildings; erection of four/five storey building comprising 23 two bedroom and 1 one bedroom flats for the following reasons:

1. The proposed density of development combined with an inadequate amenity area for residents would result in an overdevelopment of the site.
2. The proposed development, due to its height, bulk, massing and choice of materials would have a detrimental impact on the streetscene.
3. The proposed development, due to its height and proximity to the boundary, would have an overbearing impact on the adjoining property to the east (number 15 Thornton Road).
4. Inadequate car parking is proposed and there is no provision for disabled parking in an area with poor accessibility to public transport. This is likely to lead to increased demand for on street parking in the surrounding area, to the detriment of the amenity of local residents.
5. No financial contribution has been provided towards sustainable transport initiatives.
6. No provision has been made for 40% of habitable rooms to be allocated for affordable housing.
7. No financial contribution has been provided towards the improvement of local public open spaces, on a site where there is inadequate open space provision.

8. The application does not demonstrate that the proposal will incorporate renewable energy production equipment to provide at least 10% of the predicted energy requirements of the proposal.

This application was dismissed at appeal (ref: APP/L5240/A/07/2049923), However, the Inspector found that no harm would result due to the lack of on-site parking, that the proposed external amenity space would be acceptable and that there would be no harm to the users of the Temple at 15 Thornton Road. The appeal was dismissed based on the fact that the proposal would harm the character and appearance of the locality due to its overall size.

07/03935/P – Planning permission was refused on 21 December 2007. This scheme was similar that that of 07/879/P and proposed the erection of a five storey building comprising 12 two bedroom and 2 three bedroom flats over; formation of vehicular access and provision of associated parking and landscaping. Unlike the previously refused scheme, this application proposed A2/B1 use at ground floor level.

The scheme was refused as it was considered that, by reason of its height, bulk, mass and choice of materials, the proposal would have a detrimental impact on the streetscene. It was also refused due to the fact that the crossover proposed was excessively wide and would create a hazard to pedestrians and vehicular traffic.

The applicants received the appeal decision for 07/00879/P shortly before the refusal of 07/3935/P on the 21 December 2007. Given that the Inspector chose to dismiss the appeal based solely on the fact that the proposal would harm the character and appearance of the locality due to its overall size, the applicants have chosen to attempt to overcome this concern and resubmit the proposal that did not involve a mixed use or off street car parking.

3.7 Proposal

The current scheme is a resubmission of 07/00879/P following the dismissed appeal APP/L5240/A/07/2049923. The proposal seeks full planning permission for the following:

- The demolition of all existing buildings on the site.
- The erection of a four storey building containing 20 flats (19 x two-bed and 1 x one-bed). The building would measure 11.4m in height and 24.4m in width with a frontage to Thornton Road. The building would be four stories high along Thornton Road (although the top floor would be slightly recessed) with a four storey block to the rear.
- The design of the building is contemporary with the top floor set in by 1.1m on the front elevation. The roof would be flat.
- Proposed materials include the use of London Yellow Stock brickwork on the second and third floors with cedar timber cladding panels on the fourth floor, the ground floor would be rendered white.

Steel framed balconies with glass balustrades are provided to the upper floor apartments.

- No car parking is proposed for the development. Cycle parking is proposed in storage rooms within the proposed building and would be accommodated within some of the floors of the building.

4. PLANNING POLICIES

- 4.1 The relevant policies of the Croydon Replacement Unitary Development Plan (the Croydon Plan) are SP1, SP2, SP3, SP13, SP14, SP17, SP18, SP20, SP22, UD1, UD2, UD3, UD7, UD8, UD14, UD15, UC11, EP16, T2, T4, T8, EM5, H2, H9, H10 and H13.

5. CONSULTATIONS

- 5.1 The application has been advertised in the local press and by way of a site notice as a major planning application.
- 5.2 The occupiers of 42 adjoining and nearby properties were notified of the application. No letters of representation have been received.
- 5.3 Comments have been received from Transport for London who state that they support car free developments in principle but request that further information in the way of a parking survey be provided by the applicant showing the availability of on-street parking within the surrounding area. TfL also requested that the developer provide estimates of the expected trip generation resulting from the development. Concerns were also raised by TfL regarding the lack of parking provision for disabled users.
- 5.4 Comments have also been received from English Heritage requesting that, should the scheme be approved, a condition be attached securing the implementation of a programme of archaeological work prior to commencement of works.

6. CONSIDERATIONS

- 6.1 The principal issues to be considered are:
- a) The principle of development and its proposed density;
 - b) The effect of the proposed development on the visual amenities of the locality and whether it will be detrimental to the appearance of the streetscene;
 - c) The effect of the proposed development on the residential amenities of the nearby occupiers by reason of its form and siting;
 - d) The living conditions for future occupiers;

- e) The effect of the proposed development on Traffic and highway conditions in the locality;
- f) Affordable Housing;
- g) Planning obligations

Principle of Development.

- 6.2 The site is located within the built up area and is occupied by part commercial and part retailing functions.
- 6.3 The site does not form part of a primary or secondary retail frontage, however, it is located within a primary shopping area. Given that the site is in an isolated location the loss of the carpet shop would not have a detrimental impact on the vitality and viability of the shopping centre and is therefore not resisted. Similarly, light industrial/commercial premises are not protected by policy EM5 in Local Centres. The principle of a residential development is therefore considered acceptable.
- 6.4 The application proposes 20 flats (having 59 habitable rooms) on a site area of 808 square metres. This equates to a density of development of 247 dwellings per hectare and 730 habitable rooms per hectare.
- 6.5 The Inspector found that a density of 878 habitable rooms per hectare or 297 dwellings per hectare (as proposed by the appealed 07/0879/P) scheme was acceptable. The decision comments that *'the thrust of LP and UDP policies is to maximise the potential of sites where they are within the built-up area and involve the use of previously-developed or unneeded employment land. As these factors all apply the proposal would accord with LP Policies 3A.2 and 4B.1 and UDP Policy SP18. Furthermore, according to UDP Policy SP19, the intensification of housing development should be enabled at locations accessible by public transport. Whilst this is not of the highest order the proposal would meet the general intent of this objective.'*
- 6.6 Given that the submitted scheme involves a reduction in habitable rooms per hectare and dwellings per hectare from the appealed scheme it is not considered that the proposed scheme can be refused on overdevelopment of the site.

The effect of the proposed development on the visual amenities of the locality and the streetscene

- 6.7 The application proposes a four storey (11.4m) building fronting onto Thornton Road. It is of a contemporary design with the fourth floor set back by 1.1m from the front facade of the building. The majority of buildings in the surrounding area are of a traditional form and design with the only contemporary design in the locality being a residential block that is located

diagonally opposite the site. The frontage of the building would be immediately adjacent to a two storey building that has a traditional ridged roof.

- 6.8 The appealed scheme proposed the erection of a 5 storey (13.9m) flat roofed building located on the same footprint. The Inspector on the dismissed appeal commented that the five storey building would 'dwarf' its immediate neighbour at No. 15 in terms of height and that the building would stand out in the locality as an overpowering and unduly dominant feature because of its mass. However, the Inspector went on to comment that the surroundings have a robustness and variety which could absorb a new building of some stature but because it would be so much larger than its neighbours, the proposal would be an intrusive feature that would detract from the street scene.
- 6.9 Given that the proposed building has been reduced in height by 1 storey (2.5m) and, in light of the Inspectors comments, it is considered that the height of the building would now be acceptable and would not harm the character and appearance of the area. In addition to this, the 2.5m reduction would result in an acceptable relationship with the neighbouring property at 15 Thornton Road and as such would not 'dwarf' its immediate neighbour.
- 6.10 With regards to the design of the building the Inspector raised concerns that, whilst the proposed design would generally provide a lively appearance, the central windows may be a little 'mean'. In addition to this he felt that the combination of yellow brick, white render and terracotta cladding on the front façade would result in a 'hotch potch' of materials.
- 6.11 The design of the front façade of the building has been altered to take into account the Inspectors concerns. The central windows have been increased in size and the terracotta cladding panels have been removed from the middle floors and replaced with yellow stock brick work. It is considered that the changes made to the design would now respect that character of the area and would not detract from the streetscene.
- 6.12 It is concluded that the bulk, mass and detailed design of the building would be appropriate and that the character and appearance of the surrounding area would not be prejudiced.

Amenities and privacy of the occupiers of adjoining properties

- 6.13 The site is located at a distance of 41.5 metres from properties in Colvin Road. Therefore it is considered that due to the distances involved, there would be no loss of amenity to occupiers of these properties from the proposed development.

- 6.14 To the rear of the site and to the opposite side of the road, there are commercial properties and there is adequate boundary treatment and separation distances to prevent a loss of amenity.
- 6.15 The property to the east of the site at number 15 Thornton Road this is occupied by a Tamil temple. The rear most building has windows in its gable end facing across the appeal site. The ground floor openings are currently obstructed by scaffolding. One of the upper floor windows appears to light a stairwell whilst the other is secondary.
- 6.16 As with the appealed scheme, the building would be located directly in front of the side windows. The Inspector found that, whilst the environment of non-residential users is a material consideration, and notwithstanding the close relationship between the proposal location and the side of No. 15, no harm would be caused to the users of this building in terms of visual impact.

The living conditions for future occupiers

- 6.17 Amenity space for future occupiers would be provided within shared courtyards, on the roof terrace of the rear block and by narrow allocated areas and balconies. A total of 444 sq metres of communal amenity space is proposed.
- 6.18 The Inspector found that *'in town centres future occupiers are unlikely to attach a great value to gardens particularly when, as in this case, they would be affected by traffic noise. The rear courtyards would be enclosed by high walls on three sides and would not be large. However, so long as finishes and planting were carried out to a high standard they would provide an adequate 'breathing space'.*
- 6.19 The Inspector concluded that living conditions for future occupiers would be satisfactory with regard to amenity space. Given the same amount of outdoor amenity area is proposed it is not considered that this current scheme could be refused on this basis.
- 6.20 All flats would be of adequate size and layout. There would be adequate outlook, sun and daylight to all habitable rooms.

Traffic and Highway implications

- 6.21 The site has a PTAL rating of 2 and is therefore considered to have a low level of accessibility to public transport links. Appendix Two of The Croydon Plan requires a maximum of one car parking space per unit for flatted development. This equates to a maximum of 20 car parking spaces. However, as with the previous scheme, no off-street parking spaces would be provided.

- 6.22 In the appeal decision the Inspector quoted various policies contained within the UDP and government guidance such as PPG13 (Transport) which promote sustainable transport and encourage zero parking provision where public transport accessibility is particularly good.
- 6.23 The Inspector commented that the subject site is located immediately adjacent to a bus depot and as a result is very close to seven different bus routes. Whilst the Inspector considered that this is not a location where the absence of on-site car parking should be actively advocated, given that the general objective of both national and local policy is to discourage car use this does not mean to say it is unacceptable.
- 6.24 The appealed scheme proposed 100% affordable housing, whereas the current scheme proposes 40% affordable. The Inspector found that as the accommodation would be affordable housing the propensity for future occupiers to own cars would be lower than the general population. Whilst the current scheme only proposes 40% of the units to be affordable it is considered that, given the reduction in the number of units by 4, the number of residents in ownership of a car from a scheme that is 100% affordable housing would not be so significant to warrant a refusal on this basis only. In addition to this, it is thought that the future buyers of the properties might choose not to purchase a flat within this development if they own a car and require off-street parking.
- 6.25 A designated loading bay is located on the highway to the front of part of the site which could allow for servicing to the apartments.
- 6.26 The Transportation department has raised concerns regarding the location of the cycle storage facilities on the first and second floors. However, given that the Inspector did not object to the location of the cycle storage in the appeal scheme (which had a similar arrangement) it is not considered that further objection can be raised by the Council.

Affordable Housing.

- 6.27 As this site is proposing in excess of 15 residential units, 40% of provision must be affordable housing, 70% of these units must be social rented and 30% to be intermediate housing. The applicant has agreed to this provision and mix of tenure. The mix of the size of units is considered to be acceptable and no concerns have been raised by the Housing Department.

Planning Contributions

- 6.28 Planning Guidance Note 1, recommends contributions towards Sustainable Transport for residential developments of 10 or more dwellings. These contributions are based on £700 for each 1-2 bed unit and £1000 for each 3+ bed unit. This equates to a contribution of £14,000.

- 6.29 Policy RO15 of the Croydon Plan relates to local open space in residential schemes. The application site is located within an area of local park deficiency. As such, the Council would expect a commuted payment for the enhancement of a nearby local park. This contribution would equate to £8,300
- 6.30 The Council utilised the NHS London Healthy Urban Development Unit's model for identifying the impact that residential developments have on the capacity of health services, particularly Primary Care facilities, the associated cost of ameliorating this impact would be a contribution of £20,000.
- 6.31 Current advice from the Council's Education Department is that there is not sufficient capacity in both local primary schools to cope with the expected level of children living in the proposed scheme. As such a contribution of £3500 is required.
- 6.32 £360 would need to be provided as a Contribution required towards additional book stock in the Library.
- 6.33 The applicants have indicated that all of the above are acceptable. The financial contribution will be secured in the way of a Section 106 agreement.

7. ENVIRONMENTAL CONSIDERATIONS

- 7.1 The proposal would include the provision of appropriate measures to secure 10% renewable energy. This can be secured by condition.
- 7.2 The Code for Sustainable Homes (Predicted Rating Summary) which was submitted with the application shows that the development is on track to achieve Level 3, which is unacceptable. The Council's requirement to achieve Level 4 will be secured by way of a condition.

8. EQUALITIES CONSIDERATIONS

- 8.1 Level access is provided at the ground floor, a lift will provide access to all levels of the building.
- 8.2 As stated previously, no off street parking is proposed.

Case Officer:	Ellen Whitehead
Background Documents:	The Croydon Unitary Development Plan 2006 Planning application 07/00879/P Appeal decision APP/L5240/A/07/2049923 Comments from Transport for London and English Heritage
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