

Agenda Item: 6.4

08/01755/P

16/05/2008

Upper Norwood

Application for full planning permission

Applicant:

Mr Ivan Bateman
St Aidans Developments
2 Leathermarket Street
Bermondsey
London
SE1 3HN

Location: Land, Victory Place, Upper Norwood, London, SE19

Description: Demolition of existing buildings; erection of four storey building comprising a use within Class (A1 retail) or A2 (financial and professional services) or A3 (restaurant/cafe) or A4 (drinking establishment) on the basement and ground floors and 8 three bedroom, 3 two bedroom and 25 one bedroom flats in the remainder of the building, formation of a vehicular access and provision of associated parking.

Drawing No(s): 003, PP 01, 02, 03, 04, 05, 003 PE 01, 003 PE 02,

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 shall be retained for so long as the development remains in existence:-
 - (1) parking arrangements
 - (2) vehicular turning area
 - (3) garden and communal areas

Reason: To ensure an acceptable standard of development having regard to the Policies of the Croydon Replacement Unitary Development Plan (The Croydon Plan)

2. Prior to the commencement of the development the approval of the Local Planning Authority shall be obtained with respect to the following matters:-
 - (1) facilities for the loading and unloading of vehicles

- (2) security lighting
- (3) visibility splays
- (4) vehicular access and egress
- (5) traffic signs
- (6) finished floor levels of the building(s) in relation to existing and proposed site levels
- (7) boundary treatment

Reason: To ensure an acceptable standard of development having regard to the policies of the Croydon Replacement Unitary Development Plan (The Croydon Plan)

3. Unless otherwise previously agreed by the Local Planning Authority in writing the matters approved in compliance with Condition 2 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)

4. 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)

5. Unless otherwise previously agreed by the Local Planning Authority in writing 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)

6. Unless otherwise previously agreed by the Local Planning Authority in writing 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. Unless otherwise previously agreed by the Local Planning Authority in writing the dwellings designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users shall be provided as specified in the application and shall be retained as such for so long as the development remains in existence.

Reason: To ensure that an acceptable standard of flexible and adaptable housing is provided and retained in accordance with Policy H14 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)

8. Unless otherwise previously agreed by the Local Planning Authority in writing all the dwellings shall be provided in conformity to "Lifetime Homes" standards as specified in the application and shall be retained as such for so long as the development remains in existence.

Reason: To ensure that an acceptable standard of flexible and adaptable housing is provided and retained in accordance with Policy H14 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)

9. No food shall be cooked on the premises until a scheme for the control of odours, smoke and grease has been submitted to and approved by the Local Planning Authority in writing and any required ducting or other equipment has been satisfactorily installed on the site. Any such ducting and equipment shall be retained for so long as the use remains in existence.

Reason: To protect the amenities of adjoining occupiers

10. The ground floor commercial use shall not be used except between 07:00 hours and midnight on Mondays to Saturdays and between 08:00 hours and 23:00 hours on Sundays.

Reason: To protect the amenities of adjoining occupiers, in accordance with Policy UD8 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)

11. 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, 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).

12. 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)

13. 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 Croydon Replacement Unitary Development Plan (the Croydon Plan) are SP1 & SP3, UD1, UD2, UD3, UD6, UD7, UD8, UD12, UD13, UD14, UD15, EP1, EP16, T4, T8, T11, H2, H5, H13, H14, EM5, CS1.

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 preservation or enhancement of the conservation area
- (n) sustainability issues
- (o) the urban design policies of the development plan
- (p) the environmental protection policies of the development plan
- (q) the transport policies of the development plan
- (r) the urban conservation 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.

08/01755/P – Victory Place, Upper Norwood

1. SUMMARY

- 1.1 This application is seeking full planning permission for the demolition of existing buildings; erection of four storey building comprising a use within Class (A1 retail) or A2 (financial and professional services) or A3 (restaurant/cafe) or A4 (drinking establishment) on the basement and ground floors and 8 three bedroom, 4 two bedroom and 24 one bedroom flats in the remainder of the building, formation of a vehicular access and provision of associated parking.

2. RECOMMENDATION

- 2.1 Grant planning permission subject to the conditions and reasons set out in the agenda and the prior completion of a s.106 agreement.
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3. BACKGROUND

(a) Site Description

3.1 Site Description

- The application site comprises an irregular shaped, level site of 0.19ha.
- The site is located within the Upper Norwood Triangle and fronts the east side of Westow Street opposite the Norwood Heights Shopping Centre.
- The front portion of the site fronting Westow Street is currently undeveloped forming a gap in the retail frontage, while that to the rear contains a large vacant industrial building.

3.2 Surrounding Area

- A range of two-storey buildings at 41 to 49 Westow Street lie to the south of the application site.
- No 35 Westow Street, a tall 3½ storey building currently used as a restaurant with flats above, fronts Westow Street to the north of the site with curtilage extending along much of the northern site boundary.
- Carberry Works, a redundant joinery works benefiting from an extant permission for erection of three storey building comprising 5 one bedroom flats, abuts the northern boundary to the north-west while the

eastern rear boundary of the site abuts garden curtilages of residential terrace housing in Telford Close.

- Victory Place is an adopted cul-de-sac used for access to the works building and the rear servicing of premises fronting Westow Street. Victory Place extends for some 70m into the site.
- Stoney Lane is an adopted cul-de-sac that branches off Church Road and provides access to a number of small works buildings, properties fronting Church Road and a Housing Association development.
- A pedestrian right of way leading to Telford Close, joins Stoney Lane at the south east corner of the site.

3.3 Designations

- The site lies within the Upper Norwood District Centre and within the Upper Norwood Triangle Conservation Area.
- The Westow Street frontage is designated as a secondary retail frontage.
- Westow Street is classified as a Local Distributor Road.

3.4 Relevant History

06/3408/P - Full planning permission was granted on 01/05/07 for demolition of existing buildings; erection of four storey building comprising a use within Class (A1 retail) or A2 (financial and professional services) or A3 (restaurant/cafe) or A4 (drinking establishment) on part of the ground floor and 7 three bedroom, 14 two bedroom and 8 one bedroom flats in the remainder of the building, formation of a vehicle access and provision of associated parking. This permission remains extant.

06/3409/CA - Conservation Area Consent was granted on 22/01/07 for demolition of existing buildings.

05/5154/P - Full planning permission was granted on 02/10/2006 for the erection of three storey building comprising a shop within Class A1 (retail) on ground floor with 2 three-bedroom flats over, formation of vehicular access and provision of associated parking – Granted subject to the prior conclusion of a S106 Agreement to secure highway improvements to Victory Place.

Carberry Works

In respect of an adjoining site at Carberry Works to the north; 03/02088/P was granted on 21/01/04 for the demolition of existing buildings, erection of two 2 storey two bedroom semi-detached houses with accommodation in roof space, erection of access gates and provision of 2 parking spaces.

05/05503/P – Full planning permission refused on 17/3/06, however the appeal was allowed for the, demolition of existing buildings; erection of three storey building comprising 5 one bedroom flats and provision of associated parking.

3.5 Proposal

Full permission is sought for;

- Demolition of existing buildings; erection of four storey building comprising a use within Class (A1 retail) or A2 (financial and professional services) or A3 (restaurant/cafe) or A4 (drinking establishment) on the basement and ground floors and 8 three bedroom, 4 two bedroom and 24 one bedroom flats in the remainder of the building, formation of a vehicular access and provision of associated parking.
- The building would be 'L' shaped and arranged around a courtyard.
- Access would be provided from Westow Street into Victory Place to be shared with existing access rights to shop premises fronting Westow Street.
- Egress for vehicles and residents would be via Stoney Lane onto Church Road.
- A public footway would be provided through the site to link Victory Place with Stoney Lane.
- Undercover and open surface parking would be provided for 17 cars including 2 disabled car parking spaces. Secure cycle storage would be provided within the main building with provision for 44 cycles.
- Outdoor amenity space (307m²) would be provided within a communal garden to the rear of the site and in the form of a number of private terrace areas. Ground floor flats would have defensible areas.
- Upper floor access would be provided by means of 2 stairwells with associated mechanical lifts.
- The building would be primarily of brick construction with hardwood timber panelling to the ground floor within the courtyard and a recessed 4th floor constructed of glass and metal. The Westow Street frontage would utilise render panels in lieu of timberwork. Reconstituted stone would be used for copings and other incidental areas. A powder coated metal glazing system has been specified and a sustainable flat roofing system would support low profile solar panels.
- The development would achieve Code for Sustainable Homes Level 4, and the sustainability report demonstrates that an offset of 10% of carbon emissions can be achieved.

4. PLANNING POLICIES

- 4.1 The policies of the Croydon Replacement Unitary Development Plan which are of relevance to this application are SP1 – SP3, UD1, UD2, UD3, UD6, UD7, UD8, UD12, UD13, UD14, UD15, EP1, EP16, T4, T8, T11, H2, H5, H13, H14, EM5, CS1. Planning Guidance Note No. 1 on Planning Obligations and Supplementary Planning Guidance Note No. 6 on Affordable Housing.

5. CONSULTATIONS

- 5.1 The application has been advertised on site and in the local press as a major application.
- 5.2 The occupiers of 102 adjoining and nearby properties have been notified of the application. Three letters of representation have been received objecting to the application on the following grounds:-
- Over development of the site
 - Too many 1 bed flats and not enough family units
 - Incomplete plans
 - Loss of privacy
 - Loss of light
 - Upper Norwood can not cope with 36 more units as nowhere to park, nowhere for children to play
 - Increased noise and disturbance
- 5.3 The North Croydon Conservation Area Advisory Panel comments:-
In principle we do not object to the demolition of existing buildings on the site provided there are acceptable proposals for them and the remainder of the site. We do not object to the proposed uses however we would prefer to have retail use on the ground floor Westow Street frontage and that the residential element contain more family uses with private amenity spaces. We object to the mix of residential types. There are too many one bedroom flats.

Overall the proposed building presents itself as too large. Its height and particularly its length will produce a dominating building with significant effect on the skyline. By virtue of this monolithic nature it is out of character with the buildings in the Triangle. The building behind the Westow Street frontage building should be no higher than three floors with perhaps the third floor in roof.

The internal planning of the ground floor on the Westow Street frontage does not allow for good retail use.

6. CONSIDERATIONS

6.1 The principal considerations are:

1. Demolition of existing buildings within Conservation Area.
2. a) Whether the principle of development would be in accordance with the Development Plan Policies;
b) The effect of the proposal on the visual amenities of the locality and whether it will be detrimental to the appearance of the streetscene;
c) The effect of the proposal on the residential amenities of the nearby occupiers by reason of its form and siting;
d) The impact on parking and highways conditions;
3. The living conditions for future occupiers;
4. Planning obligations; and
5. Sustainability Issues.

Demolition within the Conservation Area

6.2 Conservation Area Consent has also previously been granted for the demolition of the existing building.

Principle of the Development

6.3 The proposal comprises the demolition of works premises that were until recently used for Class B1 (light industrial) purposes. The Croydon Replacement Unitary Development Plan (Croydon Plan) does not seek to protect B1 or other employment uses within District Centres. Consequently there is not an issue with the loss of the existing light industrial use in this location.

6.4 Policy H2 of the Croydon Plan states 'the Council will permit housing development within the existing built up area provided this does not conflict with its aim of respecting the character of residential areas and there is no loss of other protected uses'.

6.5 In respect of the residential element, Strategic Policy SP18 states that the Council will seek to maximise the re-use of previously developed land by encouraging residential development on appropriate sites which meet its sustainability objectives and takes account of relevant urban design

policies. Policy SP19 states that the Council will enable the intensification of housing development at locations accessible by public transport through a design led approach to sustainable residential development in order to meet its housing provision targets and sustainability objectives. In respect of density, development is proposed at 484hr/ha (up slightly from 480hr/ha on the previous approved scheme). This is above normal Croydon Plan guidance but the site is less than 0.25ha and so density does not need to be formally considered. However the proposal complies with London Plan criteria that town centre development should achieve a density of 450-700hr/ha.

- 6.6 In respect of the proposed shopping provision, the granting of permission for Application No 05/5154/P, established that A1 (retail) use of the Westow Street frontage would be acceptable. The Croydon Plan has since been adopted. Policy SH2 of the Croydon Plan states that retail development will be permitted within the Primary Shopping Areas of District Centres provided that it is of appropriate scale. Policy SH5 allows for changes of use within Secondary Retail Frontages between A1, A2, A3, A4, and A5 Uses. In this instance the proposal complies with the shopping policies of the Croydon Plan. The amended retail unit provides room for toilets and access to the basement which the previous scheme did not. The new unit will enhance the area and support the established retail facilities.
- 6.7 Consequently there is no objection to the principle of redevelopment of the site for mixed use incorporating commercial uses and high density residential development subject to normal development control constraints.

Appearance

- 6.8 The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on Local Authorities to have special regard for the preservation or enhancement of Conservation Areas. In accordance with Policy UC3 of the Croydon Plan new development is expected to satisfy a range of criteria in order to preserve or enhance the character or appearance of the area
- 6.9 The existing built form within the Upper Norwood Triangle comprises a mix of building styles of predominantly Victorian origins. Heights are generally 3 storey to eaves along the shopping frontages although there are 2 storey and 3½ storey exceptions. In contrast, development within the central portion of the Triangle assumes a more random back-site form with terrace housing interspersed with commercial property and serviced via narrow service lanes and cul-de-sac. In order to reflect surrounding development, the proposed building has been broken up into a series of modular elements linked by recessed glazing. The 3-storey to

eaves parapet design, with recessed upper floor, ensures that the visual impact of the development would be acceptable and would not dominate its surroundings.

- 6.10 In respect of the Westow Street frontage, the building would be of contemporary design incorporating glass and steel, however the primary material would be a traditional London Stock brick. This results in a modern building that fits in with the general streetscape without creating a pastiche. On the ground floor, fronting Westow Street, traditional features such as pilasters, stallrisers and a prominent fascia have been incorporated. To the flank elevation the ground floor would have a walnut wooden finish with glazing. The first and second floor would have a strong brick presence with large openings containing large glazing panels and walnut timber panels. The top floor would be set back and mostly glazed.
- 6.11 The Conservation Area panel's comments relate to the height and massing of the building combined with its depth. The front half of the building, would be 11.2m in height to second floor eaves, in order to match the heights and proportions of surrounding buildings which front onto Westow Street. The Third floor, which would add an additional 1.95m of height to the building would be set back 4.5m from the front building line. At a depth into the site of 32m, the height of the second floor eaves would drop to 9.8m with the recessed third floor on top adding an additional 1.95m. The remainder of the building would be this height. It is considered that the massing of the building is necessitated at the front in order to accommodate the proportions of Victorian buildings fronting Westow Street. The drop in height within the internal courtyard aims to reduce the massing of the development reducing its impact on the skyline.
- 6.12 The forecourt that would be created off Victory Place would be an acceptable urban feature. The 'Home Zone' approach would create shared access for motorised vehicles, cyclists and pedestrians.
- 6.13 The appearance of the development would be sympathetic to the streetscene in Westow Street. It is considered that the proposal would both preserve and enhance the character of this part of the Upper Norwood Triangle Conservation Area as required by Policy UC3 of the Croydon Plan.

Amenity Issues

- 6.14 The applicant has addressed the potential impact on adjoining residential property by ensuring that separation distances between habitable room windows and/or outdoor amenity areas are acceptable while retaining certain existing high boundary walls to ensure that neighbour privacy is

satisfactorily protected. To the rear, the development would be separated from terrace housing in Telford Close by a 3m high boundary wall. Separation from windows in Telford Close properties would be in the order of 21m-22m at first and second floor level and 28m-29m at third floor level which is acceptable. Elsewhere fenestration would face either into the central courtyard area or across Westow Street. There are no issues arising in respect of upper floor windows to the rear of No 35 Westow Street as these serve non-habitable room accommodation.

Transport and parking considerations

- 6.15 17 car parking bays including 2 disabled parking spaces are to be provided, with on-site turning. The parking and one-way access through route has been satisfactorily integrated into the site layout. Given that the site scores a PTAL 6 rating, the level of proposed car parking is considered to be generous for a flatted development in a District Centre location with good transport accessibility links. However, it is considered that in this case the level of parking is acceptable given the number of family sized units in the scheme. The applicant has agreed to a contribution in the sum of £27,600 towards sustainable transport. In respect of the S106 Agreement relating to the previous schemes for highway improvements, the current proposal incorporates the improvements previously considered necessary into the scheme. Accordingly it would now be appropriate for highway works associated with the development to be covered by a Section 278 Agreement. The developer will be committed to this S278 agreement via a clause within the S106 agreement. In order to make the vehicular access work, the adopted highway would have to be stopped and the one way access that links into Stoney Lane would be a private road.

Standard of Accommodation

- 6.16 All flats would be of acceptable size and have satisfactory circulation space, levels of natural lighting and outlook. Although outdoor amenity space in certain flats would be confined to balconies, and a small number of flats would have no private amenity space, a communal garden area of some 307sqm would be provided within the site. Given site constraints and District Centre location, this is considered acceptable subject to a requirement to provide a financial contribution of £15,000 towards Local Park deficiency in accordance with Policy RO12, to be secured by means of S106 legal agreement.

Affordable Housing

- 6.17 It is proposed that a provision of 40% affordable housing would be provided off-site as part of the scheme at 48-50 Portland Road (08/1754/P). Policy H13 states that on sites capable of accommodating 30 or more units the Council will negotiate to achieve 50% affordable housing provision. However the applicant has reasoned that the previous

scheme, which proposed 29 units, was agreed with a provision of 40% affordable housing provision and that as no new floor area is being created then 40% should be the provision on this application. Housing Officers have not objected to this stance.

- 6.18 The provision of affordable housing should remain on the site to which they are related, however the applicant has put forward a package with the affordable housing located elsewhere. This comprises 36 habitable rooms (40% of the 91 habitable rooms proposed at Victory Place) which would be provided on the Portland Road site as part of a package to secure the provision of a 241m² business centre. Therefore the 36 units on this site would be provided as private dwellings. Given the overriding importance of the Portland Road Business Centre to the Council the off-site provision is considered acceptable.

Other Issues

- 6.19 In respect of security, the development would achieve 'Secured by Design' standards. Parking would adhere to 'Home Zone' criteria, while traffic barriers would prevent unauthorised vehicles 'rat-running' through the site. In respect of planning contributions the applicant has agreed to the contribution of £36,000 towards Health Care and the sum of £680 towards library books in addition to those sums identified and agreed in respect of sustainable transport and open space.

7. ENVIRONMENTAL CONSIDERATIONS

- 7.1 The requirement of Policy EP16 of the CRUDP states that the Council will require residential development comprising 10 or more units to incorporate renewable energy production equipment to off-set at least 10% of the predicted carbon emissions. The applicant has confirmed that this can be achieved by one of three options.
- 7.2 Policy UD1 of the CRUDP requires applicants for large housing schemes to submit an environmental performance statement. The applicants have submitted an environmental performance statement, and in the information supporting the application they confirm that Level 4 Code for Sustainable Homes can be achieved.

8. EQUALITIES CONSIDERATIONS

- 8.1 The proposal incorporates level ground access and a lift ensuring accessibility to all floors. The scheme has been designed to achieve Lifetime Homes Standards and the internal spaces including access corridors, lifts and doors allow adequate space for wheelchair users. Two parking spaces would be for disabled persons' use.
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Background Documents Three letters of objection
North Croydon Conservation Area Advisory Panel
Comments
Case Officer: Michael O'Brien
Contact Officer: Mr P Mills Tel: 020 8760 5419