



revision #	revision date	title
A - Boundary amendment	18.06.14	date
B - 94 Higher Drive building footprint relocated on the site	19.09.14	scale



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1 APPLICATION DETAILS

Ref: 16/05512/FUL
Location: 94 Higher Drive, Purley, CR8 2HJ
Ward: Kenley
Description: Installation of a new standby generator within the existing storage building located underneath the bin storage area
Drawing Nos: 479/101B, 479/103A, JGA138, 479/1810E, 479/181E, 479/182E, and 479/183
Agent: Paul Britton
Applicant: Mr Terry McGranaghan
Case Officer: John Asiamah

- 1.1 This application is being reported to Committee because the Ward councillor (Councillor O'Connell) and the Residents' Association have made representations in accordance with the Committee consideration criteria and they have requested Planning Committee consideration. Objections above the threshold in the Committee Consideration Criteria have also been received.

2 RECOMMENDATION

- 2.1 That the Committee resolve to GRANT planning permission.
- 2.2 That the Director of Planning and Strategic Transport is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

- 1) The development to be implemented in accordance with the approved plans
- 2) Submission of noise assessment (to include and additional mitigation if necessary)
- 3) Noise from all plant and machinery should not increase background noise levels (when measured at the nearest sensitive premises) except in emergency use or periodic testing
- 4) The periodic testing shall be limited to a maximum of 5 minutes every 2 weeks, to be conducted within the hours 09:00 and 17:00
- 5) Time limit of 3 years
- 6) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport.

Informatives

- 1) Site Notice removal
 - 2) Any other informative(s) considered necessary by the Director of Planning and Transportation
- 2.3 That the Planning Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

3 PROPOSALS AND LOCATION DETAILS

Proposal

- 3.1 Full planning permission is sought for:
- Installation of a new standby generator within the existing storage building located underneath the bin storage area
- 3.2 The generator would be for emergency use only, so would potentially be used on a very limited basis.

Site and Surroundings

- 3.3 The site is located on the south-western side of Higher Drive and comprises part of the parking area of 92 Higher Drive and the site at 94 Higher Drive. 94 Higher Drive is situated on the corner with Highland Road. Opposite the site to the north-east is Foxley Wood, a site of Nature Conservation Importance and a Local Nature Reserve, and Higher Drive Recreation Ground which is designated as Local Open Land. The boundaries of the recreation ground are lined with mature trees.
- 3.4 94 Higher Drive was previously occupied by a detached house. This has now been demolished and works in relation to planning permission 14/02251/P have commenced on site. 92 Higher Drive is occupied by a single/two storey building, in use as a 30 bed specialist care home since 2011.
- 3.5 The land falls steeply from east to west. The adjoining dwelling to the rear (26 Highland Road) is sited on significantly lower ground. This property is a large bungalow orientated facing south-east with a garage sited along its north-eastern boundary with the application site. The wider vicinity is residential in character and defined by mainly detached houses of varying styles.

Planning History

- 3.6 There is very detailed history, including a large number of historical refusals. The following are recent planning decisions on the site of most relevance:

92 Higher Drive

09/00243/P: Application for demolition of existing building; erection of single/two storey building with accommodation in roof space to provide a 30 bed specialist residential care home; formation of vehicular access and provision of 7 parking spaces.

Refused on grounds of overdevelopment, out of keeping with development pattern, harm to character and appearance of locality and street scene (layout, size, mass, spacing relationships), detrimental to safety and efficiency of highway (inadequate car parking), detrimental to living conditions of adjoining occupiers (dominance and visual intrusion).

A subsequent appeal was allowed and the permission has been implemented.

94 Higher Drive

11/00403/P: Application for demolition of existing dwelling house; erection of a single/two storey building with roofspace accommodation comprising a 22 bed specialist residential care home with associated vehicular access, 7 parking spaces and refuse/plant room.

Refused on grounds of the cumulative impact of the development together with the development at 92 Higher Drive, causing harm to the character of the area, the visual amenity of the street scene and the living conditions of adjoining and neighbouring occupiers by reason of siting, massing, general activity and disturbance, and inadequate on-site parking giving rise to cumulative on-street parking to the detriment of safe highway conditions.

A subsequent appeal was dismissed on highway grounds, whereby the on-site parking for the scheme was considered inadequate, leading to material safety concerns on the highway.

11/02875/P: Application for retention of generator, retaining walls and a building containing meter housing and erection of enclosures around meter housing, refuse and generator to serve 92 Higher Drive.

Refused on grounds of the impact on the character of the area only.

A subsequent appeal was dismissed on grounds of the impact on the character and the Inspector additionally considered that the potential noise generated would be inconsistent with acceptable living conditions of neighbours.

12/02602/LP: Application for erection of a brick built wall [1000mm high x 1000mm wide] on top of graded earthworks to accommodate the electricity meter serving both Highfield House (92 Higher Drive), and the intended proposal for development of 94 Higher Drive.

Refused on grounds that the proposal would constitute development and the proposed wall would not form a means of enclosure.

14/02251/P: Application for erection of a single/two storey linked building with roof space accommodation comprising an additional 18 bed residential care home in connection with existing use in adjoining building; provision of associated vehicle access, 14 parking spaces and water container.

Approved. The permission is being implemented.

16/00659/P: Erection of a single/two storey linked building with roof space accommodation comprising an additional 18 bed residential care home in connection with existing use in adjoining building; provision of associated vehicle access, 14 parking spaces and water container (without compliance with condition 1 – built in accordance with approved plans – attached to planning permission 14/02251/P). The variation related to the lift shaft.

Approved

4 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The standby generator would be housed within the existing structure and would not have a harmful impact on the character and appearance of Higher Drive.
- The proposal would, subject to conditions, have an acceptable impact on the residential amenities of the adjoining occupiers.
- The proposal is materially different to the previous scheme (11/02875/P) refused and dismissed on appeal.

5 CONSULTATION RESPONSE

5.1 The views of the Planning Directorate are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

5.2 The following were consulted regarding the application:

Pollution Team

- No objection. Noise from all plant and machinery should not increase background noise levels (when measured at the nearest sensitive premises) except in emergency use or periodic testing (OFFICER COMMENT: conditions are recommended)

6 LOCAL REPRESENTATION

6.1 The application has been publicised by way of site notices displayed on and around the application site. The number of representations received from neighbours and local groups in response to publicity of the application were as follows:

No of individual responses: 12 Objecting: 12 Supporting: 0

6.2 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the MATERIAL PLANNING CONSIDERATIONS section of this report:

Summary of objections	Response
<i>Character and appearance</i>	
The development is not in keeping with the area	The generator would not be visible from outside
<i>Scale and massing</i>	
Overdevelopment	No additional floorspace or building is proposed
<i>Parking</i>	
Insufficient parking	The proposal would not affect the approved parking arrangements
<i>Highway safety</i>	
The access is not acceptable for refuelling vehicles	The approved access arrangements would not be compromised by the proposal
Detrimental impact on highway safety	The parking and access arrangements would not be affected by the proposal
<i>Pollution</i>	
Excessive noise	The pollution team have no objection to the proposal as it is for emergency use only
The proposal is similar to the previously refused scheme	The siting of the current proposal is materially different to the previously refused scheme
<i>Non-material issues</i>	
Fire hazard	Not a material planning consideration

6.3 Councillor O'Connell has made the following representations:

- Excess noise in residential area

- Impact of noise and fumes
- Possible fire hazard
- Not in keeping with area
- Impact on road safety
- Overall an unacceptable incremental increase in size.

7 RELEVANT PLANNING POLICIES AND GUIDANCE

7.1 In determining any planning application, the Council is required to have regard to the provisions of its Development Plan so far as is material to the application and to any other material considerations and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The Council's adopted Development Plan consists of the Consolidated London Plan 2015, the Croydon Local Plan: Strategic Policies 2013 (CLP1) and the Croydon Replacement Unitary Development Plan 2006 Saved Policies 2013 (UDP).

7.2 The main policy considerations raised by the application that the Committee are required to consider are:

7.3 Consolidated London Plan 2015 (LP):

- 7.1 Lifetime neighbourhood
- 7.14 Improving air quality
- 7.15 Improving and managing noise

7.4 Croydon Local Plan: Strategic Policies 2013 (CLP1):

- SP4.1 Local Character

7.5 Croydon Replacement Unitary Development Plan 2006 Saved Policies 2013:

- EP1 Control of Potentially Polluting Uses
- UD8 Protecting residential amenity

8 MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the Committee must consider are:

1. The impact on the character and appearance of the area
2. The impact on the residential amenities of the adjoining occupiers

The Impact on the Character and Appearance of the Area

- 8.2 The storage building would be set below ground level beneath the bin store on the south-eastern side of the site and would be screened by trees. Given the siting, size, siting and the change in land levels, the development would not be visible from outside the site and would not detract from the appearance of the street scene.
- 8.3 In the previously dismissed scheme (11/02875/P), the Inspector considered that: *“When accompanied by the compound surrounding the generator and intended clinical refuse, the proposal overall takes on a clearly institutional character. Furthermore, as the revised details of ground levels make clear, until the surrounding hedge grows to a sufficient height and density the relationship between refuse compound level, screen fence height and footway level would leave a clear view of the generator and the refuse containers over the top of the fence. This potentially unpleasant view would be to the detriment of the appearance and character of the area.”*
- 8.4 In the current proposal, the generator would be sited in a storage building beneath the bin store located to the side of the site and screened by existing planting. Consequently, it is concluded that the proposal would not have harmful impact on the character and appearance of the street scene.

The Impact on the Residential Amenities of the Adjoining Occupiers

- 8.5 Given the location of the proposed generator, the critical residential properties to consider are those with Higher Drive to the south and properties within Highland Road. The proposal would be over 20m from the nearest residential house at 96 Higher Drive and approximately 15m from 26 Highland Road. It would be set below ground level and would be screened by the existing trees.
- 8.6 In the previously dismissed scheme (11/02875/P), the Inspector considered that: *“The Council’s statement suggests that this matter could be dealt with by a condition limiting noise emissions to an acceptable level measured on the boundary of the nearest residential property. There is no information to indicate what measures would need to be taken to comply with such a condition but they would undoubtedly involve a change to the nature and appearance of the enclosure surrounding the generator. Since, as noted above, this is a matter which leads me to dismiss the appeal in any event, it would not be acceptable to leave uncertain the details of what would need to be done.”* Further, the Inspector indicated that *“In the absence of any details of how the noise of the generator would be successfully limited to levels acceptable in a residential area, I must conclude that its effects would be inconsistent with acceptable living conditions of neighbours”*.
- 8.7 The Council’s Environmental Health Team have raised no objection, subject to noise from all plant and machinery not increasing beyond background noise

levels (when measured at the nearest sensitive premises) except in emergency use or periodic testing. This would be secured by a condition.

- 8.8 There are critical differences between the 11/02875/P refusal and this scheme. The 11/02875/P scheme was to the Higher Drive frontage, at grade in the open air, surrounded by a close-boarded fence. Furthermore, there was no understanding of what 'periodic testing' meant in terms of frequency or hours.
- 8.9 The current scheme would be down the side of number 94, contained in an existing brick enclosure that already has consent, at a low level. The machinery would be much better attenuated to avoid disturbance to sensitive receptors. Furthermore, the periodic testing has been defined as a maximum of 5 minutes every 2 weeks, to be conducted within the hours 09:00 and 17:00. Critical is this would not be in unsociable hours. Therefore a combination of better attenuated location, control over when the periodic testing would take place and no objections from the Environmental Health team, results in a scheme that officers can support.
- 8.10 Consequently, it is concluded that the proposal would be acceptable in relation to the impact on the residential amenities of the adjoining occupiers.

Other Planning Matters

- 8.11 Third party representations against the proposal include concerns about unsafe access for refuelling vehicles, increase in parking demand and harm to highway safety. However, no change of use or increase in the number of bedrooms within the unit is proposed. Furthermore, the access and parking arrangements would remain as previously approved.

Conclusions

- 8.12 Planning permission should be granted for reasons set out above.
- 8.13 All other relevant policies and considerations, including equalities, have been taken into account.