

PART 6: Planning Applications for Decision

Item 6.1

1 SUMMARY OF APPLICATION DETAILS

Ref: 16/03825/P
 Location: 21-27 Sheldon Street, Croydon, CR0 1SS
 Ward: Fairfield
 Description: Demolition of existing buildings; erection of three/four storey building with basement comprising ground floor commercial space (Chapel of Rest, Use Class D1), 11 one bedroom, 10 two bedroom and 2 three bedroom flats; provision of associated landscaping and services, front service bay, disabled and cycle parking.
 Drawing Nos: P14030-GTA-00-G F -D R -A-00500 Rev 05, P14030-GTA-00-01-D R -A-00501 Rev 05, P14030-GTA-00-02-D R -A-00502 Rev 05, P14030-GTA-00-02-D R -A-00503 Rev A, P14030-GTA-00-XX-D R -A-00700 Rev 05, P14030-GTA-00-XX-D R -A-00701 Rev 03, P14030-GTA-00-RF-D R -A-00504 Rev 03, P14030-GTA-00-B1-D R -A-00505 Rev 02, P14030-GTA-00-XX-D R -A-00600 Rev 03, P14030-GTA-00-XX-D R -A-00601 Rev 02, P14030-GTA-00-XX-D R -A-00602 Rev 02, P14030-GTA-00-XX-D R -A-00603 Rev 02, P14030-GTA-00-XX-D R -A-00604 Rev 02
 Applicant: Mr Christopher Dighton – JB Shakespeare Ltd
 Agent: Mr Alex Bateman – Stiles Harold Williams Partnership
 Case Officer: Matthew Carney

	1 bed 2person	2 bed 3person	2 bed 4person	3 bed
Market Housing	7	1	3	0
Affordable Rent	0	0	3	0
Intermediate	4	0	3	2 (1x3b5p, 1x3b6p)
TOTAL	11	1	9	2

Type of floorspace	Amount existing	Amount proposed
Residential	180 Sqm	2157 Sqm
Commercial	506 Sqm	295 Sqm

Number of car parking spaces	Number of cycle parking spaces
2 Disabled Spaces	34

1.1 This application is being reported to Planning Committee as the number of representations exceed the threshold set out in the Committee Consideration Criteria.

2. RECOMMENDATION

2.1 That the Planning Committee resolve to GRANT planning permission subject to:

- A. The prior completion of a legal agreement to secure the following planning obligations:
- a) 50% affordable housing provision by habitable room provided on site as 3 Affordable Rent and 9 Intermediate Homes (4 Shared Ownership, 5 London Living Rent)
 - b) A contribution and commitment towards employment and skills training
 - c) A contribution of £2400 towards managing air quality within the borough
 - d) A restriction on parking permits in the local area.

That the Director of Planning and Strategic Transport has delegated authority to negotiate the legal agreement indicated above.

- 2.2 That the Director of Planning and Strategic Transport has delegated authority to issue the planning permission and impose conditions (and informatives) to secure the following matters:

Conditions

- 1) Development in accordance with the submitted plans
- 2) Details of external facing materials, including samples to be approved
- 3) Construction logistics plan (including a construction environmental management plan)
- 4) Details of hard and soft landscaping (to incorporate SUDs where appropriate) and boundary treatments
- 5) Details of balustrade and privacy screening to terrace balconies
- 6) Details of cycle and refuse storage and electronic charging point
- 7) Car parking layout to be provided as specified in the application drawings prior to occupation
- 8) 35% reduction in carbon emissions
- 9) Water usage restricted to 110 litres per person per day
- 10) Removal of existing vehicular accesses from Sheldon Street prior to occupation of the development
- 11) Conditions recommended by the Environment Agency and Local Lead Flood Authority
- 12) Restriction of the use of the ground floor commercial unit to Use Class D1 (Chapel of Rest)
- 13) Delivery and service plan prior to occupation of the commercial unit
- 14) Hours of operation of commercial unit
- 15) Time limit of 3 years
- 16) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport

Informatives

- 1) Site notice removal
- 2) Community Infrastructure Levy
- 3) Developer to have regard to Council's Code of Practice 'Control of Pollution and Noise from Demolition and Construction Sites'

- 4) Developer to have regard to the Mayor of London's Best Practice Guidance 'The control of dust and emissions from construction and demolition'.
- 5) Wildlife protection
- 7) Any other informative(s) considered necessary by the Director of Planning and Strategic Transport

3 PROPOSAL AND LOCATION DETAIL

Proposal

- 3.1 The proposal involves the "Demolition of existing buildings; erection of three/four storey building with basement comprising ground floor commercial space, 11 one bedroom, 10 two bedroom and 2 three bedroom flats; provision of associated landscaping and services, front service bay, disabled and cycle parking".

Site and Surroundings

- 3.2 The site is located immediately to the south of the Croydon Flyover on Sheldon Street. It is currently occupied by a funeral directors chapel of rest with two flats at first and second floor level. The property is bounded to the North by Sheldon Street and The Croydon Flyover and to all other boundaries by residential properties.
- 3.3 The site lies within the Croydon Metropolitan Centre and Opportunity Area Planning Framework in the Croydon Local Plan 2018. The site is also situated in Flood Zones 2 and 3 as defined by the Environment Agency in 2015. Finally the site is within an archaeological priority zone and adjacent a designated local heritage area that covers Laud Street and Wandle Road.

Planning History

- 3.4 The site has not been the subject of any previous applications of relevance to this proposal. However, the applicant did engage with the Council's pre-application advice service in 2014.

4 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 4.1 The principle of the use of the site for a mixed residential/commercial development is considered acceptable in policy terms.
- 4.2 The design, siting, scale and layout of the proposed development respects the character of the area and make efficient use of the land. The appearance respects the existing surrounding built form whilst remaining visually interesting and would use high quality materials.
- 4.3 The design, scale and massing would not harm the living conditions of the neighbouring residents. The layout of the proposal would ensure that suitable mitigation including separation distances, use of obscure glazing and appropriate design measures have been provided and would protect the privacy and amenity of neighbours.
- 4.4 The proposed flats would provide high quality living accommodation for future occupiers in accordance with London Plan standards.

4.5 The level of off street parking spaces would be suitable for number of flats proposed given the high PTAL rating of the site. The provision of an electric vehicle charging point would meet the London Plan standards.

5 CONSULTATION RESPONSE / LOCAL REPRESENTATION

5.1 The application has been publicised by site notices erected around the application site. The number of representations received from neighbours, local groups etc. in response to notification and publicity of the application were as follows:

No of individual responses: 6 Objecting: 6 Supporting: 0

No of petitions received: 1 Individual Signatures: 27

5.2 The **Environment Agency** have been consulted on the application given the site being situated in Flood Zone 2/3 in their flood risk map. They raise no objections to the development subject to conditions should permission be granted

5.3 **Historic England's Archaeology service** have been consulted on the application given the site being situated in an area designated as an archaeological priority area. They raise no objections to the development subject to conditions should permission be granted

5.4 **Local Lead Flood Authority** are satisfied with the proposed development subject to conditions to secure further information.

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

- Insufficient parking
- Impact upon the local highway network
- Overdevelopment
- Building is too large
- Reduction in privacy
- Lack of detail around commercial use

6 RELEVANT PLANNING POLICIES AND GUIDANCE

6.1 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 2016, the Croydon Local Plan 2018 and the South London Waste Plan 2012.

6.2 Government Guidance is contained in the National Planning Policy Framework (NPPF), issued in March 2012. The NPPF sets out a presumption in favour of

sustainable development, requiring that development which accords with an up-to-date local plan should be approved without delay. The NPPF identifies a number of key issues for the delivery of sustainable development, those most relevant to this case are:

- Promoting sustainable transport;
- Delivering a wide choice of high quality homes;
- Requiring good design.

7 MATERIAL PLANNING CONSIDERATIONS

7.1 The main planning issues raised by the application that the committee must consider are:

1. Principle of development
2. Affordable Housing Provision
3. Flood risk and surface water drainage
4. Townscape and visual impact and consideration of density
5. Residential amenity of adjoining occupiers
6. Housing quality for future occupiers
7. Highways and transport
8. Trees and landscaping
9. Sustainability
10. Archaeology

Principle of development

7.2 Chapter 6 of the NPPF indicates that housing applications should be considered in the context of a presumption in favour of sustainable development and that it is the role of local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Policy 3.3 of the London Plan recognises the pressing need for more homes in London and Policy 3.8 of the London Plan states that Londoners should have a genuine choice of homes. Policy SP2.1 of the Croydon Local Plan 2018 states that in order to provide a choice of housing for people in socially-balanced and inclusive communities in Croydon the Council will apply a presumption in favour of development of new homes provided applications for residential development meet the requirements of Policy SP2 and other applicable policies of the development plan. Therefore, new residential development should only be permitted where it maintains the character of the area and protects the amenity of adjoining properties.

7.3 Policy DM1 of the Croydon Local Plan 2018 sets out the Council's objective to increase housing choice to achieve sustainable communities. DM1.1 seeks all schemes to provide a minimum provision of homes with three or more bedrooms, in a central setting with a high PTAL rating the minimum percentage is 20%. This scheme only provides 9% (2 units) of the total number of units as 3 bed, however a further 9 units are provided as 2 bed 4 person units meaning 48% are 2bed4person or larger. Given the high level of affordable housing provided as part of this scheme this is considered satisfactory to meet the aims of policy DM1.1. It is therefore considered that in relation to the provision of residential units on the site the scheme is acceptable in principle.

7.4 The site is currently occupied by JB Shakespeare Ltd operating as a funeral directors chapel of rest, this scheme proposes a commercial unit with a floorspace of 295sqm

(approx.). It is proposed for this replacement unit to remain as the funeral directors chapel of rest within Use Class D1. It is necessary to consider the proposal in the context of Policy DM4 of the Croydon Local Plan 2018, the site is defined as being 'rest of centre' within Table 5.3 as the site is within the Croydon Metropolitan Centre but outside of any designated retail frontage or the primary shopping area. On this basis all uses other than A1 are acceptable in principle subject to the applicant:

a) Demonstrate that a specific end user will be occupying the ground floor unit upon completion; or

b) Provide a free fitting out of all ground floor units for the eventual end occupier to ensure that the unit is capable of occupation and operation by the end user and ensure that the ground floor units are capable of conversion to the same use as the remainder of the building if after two years, subsequent to completion, no end user has been found for the ground floor unit.

7.5 The applicant has confirmed that they are the end user for the commercial unit and it will re-provide the existing chapel of rest on the site. This is considered acceptable and meets the policy requirements. A condition restricting the use of the unit to D1 use (Chapel of Rest) is considered appropriate given the wide range of potential uses within D1 class.

Affordable housing provision

7.6 Policy 3.13A of the London Plan states that: "Boroughs should normally require affordable housing provision on a site which has capacity to provide 10 or more homes" Policy SP2.4 of Croydon Local Plan 2018 states that: To deliver affordable housing in the borough, on sites of ten or more dwellings the Council will:

a) Negotiate to achieve up to 50% affordable housing, subject to viability;

b) Seek a 60:40 ratio between affordable rented homes and intermediate (including starter) homes unless there is agreement between Croydon Council and a Registered Provider that a different tenure split is justified and subject to national regulations on provision of starter homes or, on schemes which are covenanted Private Rental Schemes where the 60:40 ratio is not viable ; and;

c) Require a minimum provision of affordable housing as set out in SP2.5.

7.7 Being a major development, provision for up to 50% affordable housing on site is required. A viability assessment was submitted with the application and this was independently assessed. Nevertheless, the applicant has now offered a 50% affordable housing provision (by habitable room) this will be provided on site as 3 Affordable Rent and 9 Intermediate Homes (4 London Shared Ownership, 5 London Living Rent). Whilst this equates to a tenure mix of 25:75 rather than the 60:40 set out in the policy, given this is supported by a letter from the registered provider delivering the units and is a significant quantum of affordable housing it is considered to provide an acceptable level of affordable housing and mix of tenures.

Flood Risk and Surface Water Drainage

7.8 Policy DM25 of the Croydon Local Plan 2018 requires the Council to ensure that development in the borough reduces flood risk and minimises the impact of flooding. The site is located in Flood Zone 2 and 3 and therefore at risk of fluvial flooding. This

issue has been the subject of lengthy discussions between the applicant, Council and Environment Agency. The applicant has submitted a sequential test which sets out to the Council's satisfaction that the site is at a level of flood risk equivalent to other sites in the Council's 5 year housing land supply, therefore demonstrating that the Council requires the development of similar sites to deliver the housing the borough needs. The applicant has also submitted an exception test which demonstrates to the Council's satisfaction that the development provides wider sustainability benefits to the community that outweigh flood risk particularly given the high affordable housing provision. To pass the exception test it is also necessary for the scheme to submit a site-specific flood risk assessment demonstrating that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. This has been submitted and it considered to be passed by the Local Lead Flood Authority and Environment Agency.

- 7.9 The Local Lead Flood Authority have considered the scheme and are satisfied that the scheme is acceptable in relation to sustainable drainage subject to compliance with their recommended conditions.

Townscape and visual impact and consideration of density

- 7.10 Paragraph 56 of the NPPF states indicates the Government attaches great importance to the design of the built environment. Paragraph 64 states that: 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.' Policy 3.5 of the London Plan requires housing development to be of the highest quality. Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan state that development should make a positive contribution to the local character, public realm and streetscape. It should incorporate the highest quality materials and design appropriate to its context. Policy SP1.1 of the Croydon Local Plan 2018 indicates that the Council will require all new development to contribute to enhancing a sense of place and improving the character of the area. Policies SP4.1 and SP4.2 also require development to be of a high quality which respects and enhances local character. Policy DM10: Design and Character sets out that schemes should be of a high quality and whilst seeking to achieve a minimum height of 3 storeys should:

- a) The development pattern, layout and siting;
- b) The scale, height, massing, and density;
- c) The appearance, existing materials and built and natural features of the surrounding area; the Place of Croydon in which it is located.

- 7.11 The design approach taken for the proposed building has been evolved through discussions with the Council at pre-application stage and is welcomed as a suitable approach for this location. The approach taken is for the development to 'step up' in height towards the middle of the site with three storeys in proximity to the adjacent neighbouring properties and four storeys in the centre. The elevations are broken up with the use of four projecting bays and the horizontal set back of the 3rd floor level. Whilst the concerns of local residents in relation to the size and scale of the proposed building are understood, the existing building is three storey in part and it is considered that in this location next to the Croydon Flyover and within the Croydon Metropolitan Centre this form of development is acceptable (subject to other considerations).

- 7.12 The proposed palette of materials are well considered for this location with the predominant material being brick. The design approach proposes alternating the brick tones on the elevations to emphasis the architectural features that are proposed, particularly, the recessed elements. The setback third floor will be matt bronzed panels with vertical seam detail this is continued in all balconies and railings. Overall it is considered the palette of materials proposed is acceptable and subject to further consideration of the quality of the products proposed at the discharge of conditions stage the scheme will be of a high quality.
- 7.13 Having considered all of the above, against the backdrop of housing need, officers are of the opinion that the proposed development would comply with the objectives of Policies 3.5, 7.1 and 7.6 of the London Plan, Policies SP4.1, SP4.2 and DM10 of the Croydon Local Plan 2018 and respect local character.

Residential amenity of adjoining occupiers

- 7.14 Paragraph 17 of the NPPF indicates that decisions should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy 3.5 of the London Plan 2011 requires housing development to be of the highest quality internally, externally and in relation to their context and to the wider environment. Policy 7.6 of the London Plan 2011 indicates that buildings and structures should not cause unacceptable harm to amenity of surrounding land and buildings. Policy DM10 of the Croydon Local Plan 2018 requires the Council to have regard to the privacy and amenity of adjoining occupiers. Policies SP4.1 and SP4.2 of the Croydon Local Plan 2018 require development to respect and enhance character, to create sustainable communities and enhance social cohesion and wellbeing.
- 7.15 The siting of the proposed building has been considered in the context of the existing surrounding residential properties to the east, south and west. There are a number of windows in the rear elevation that are in close proximity to the boundaries of the adjacent residential properties. The building has been designed so that whilst it is in close proximity to the boundary it is not directly parallel to the properties in Laud Street this ensures that whilst there will be some overlooking of the rear gardens it is mostly angular views of the rear amenity space rather than direct overlooking. This is further mitigated by the windows in closest proximity to the boundary serving areas of flats that form landings or hallways rather than habitable rooms such as bedrooms and living rooms and being obscurely glazed. The scheme does provide balconies for the proposed residential units, however, the applicants have shown details of privacy screens that will be incorporated into the construction of the building to mitigate against overlooking it is recommended that full details of the privacy screening is conditioned for submission prior to their installation on site. It is therefore considered that whilst the scheme would result in some overlooking, this would not exceed the amount of overlooking generally accepted in high density urban areas and the impact upon neighbouring residents is considered to be within acceptable levels.
- 7.16 The proposed building is of a greater height and footprint to the existing building on site. It is considered that the inclusion of a break between the boundary of the site with No.15 Sheldon Street and the proposed built form helps to mitigate its impact. Furthermore the projection of built form beyond the rear elevation of No.15 is within acceptable levels, it is accepted that the proposal will result in some overshadowing of the rear elevation and amenity space of No.15 given the site's orientation, however, it is considered on balance that given the presence of an existing three storey building

on the application site the impact wouldn't significantly differentiate from the existing impact.

- 7.17 The proposal would have acceptable relationship with the adjoining properties. It complies with the objectives Policy DM10 of the Croydon Plan 2018 that seeks to protect existing occupiers from undue visual intrusion and loss of privacy.

Housing quality for future occupiers

- 7.18 The proposal would comply with internal dimensions required by the Nationally Described Space Standards (NDSS) and all units are in excess of the minimum GIA requirements as set out in the NDSS.
- 7.19 With regard to external amenity space, the London Housing SPG states that a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings with the requirement increasing by 1sqm per additional occupant. Each unit is provided with required level of amenity space either with private gardens or as balconies. The scheme also provides an acceptable level of communal amenity space and meets the required standard for playspace set out in Policy DM10.4 (d) of the Croydon Local Plan 2018.
- 7.20 The proposal is considered to result in a high quality development offering a variety of housing types all with adequate amenities and a good standard of accommodation for future occupiers.

Highways and Transport

- 7.21 Chapter 4 of the NPPF seeks to promote sustainable transport. Policy 6.13 of the London Plan indicates that a balance should be struck between promoting development and preventing an excessive parking provision. Policies SP8.1, SP8.3, SP8.4, SP8.6, SP8.12, SP8.13 and SP8.15 of the Croydon Local Plan 2018 seek to ensure that sustainable transport will be promoted, that traffic generated by new development can be safely accommodated on the road network and that there is an appropriate level of car parking.
- 7.22 The site is in an area with a PTAL accessibility rating of 6a (on a scale of 1a - 6b, where 6b is the most accessible), as indicated on maps produced by TfL. The site is therefore considered to have an excellent level of accessibility to public transport. The scheme provides two car parking spaces which are to be allocated for disabled residents. Strategic Transport have recommended that a restriction on future residents being able to apply for an on-street parking permit to ensure that the development does not have an unacceptable impact upon parking in the controlled parking zone. The level of cycle parking is considered sufficient subject to details
- 7.23 The commercial premises is provided with an a bay to allow for the parking of the ambulance associated with the Funeral Directors, the applicants have confirmed to the satisfaction of Strategic Transport that no other vehicles will be stored at the application site. It is considered appropriate to seek details on how the visibility splays for the ambulance bay will be delivered. Some highway works are required to be undertaken prior to occupation of the approved units. Finally, a construction logistic plan has been requested for approval prior to a works commencing on site. On the basis of the information set out above it is considered that the development is acceptable in highway terms.

Trees and landscaping

- 7.24 The site is currently developed and there is no existing trees or landscape features that are of quality. The proposal involves the erection of a three/four storey building with a number of communal and private amenity spaces, it is therefore considered that the submission of a landscaping strategy to improve the appearance of the development should be secured via condition.
- 7.25 The application site is not near an area of special scientific interest or a site of nature conservation value. With regard to wildlife, it is recommended for an informative to be placed on the decision notice to advise the applicant to see the standing advice by Natural England in the event protected species are found on site.

Sustainability

- 7.26 London Plan Policies 5.2 and 5.3 state that development should minimise carbon dioxide emissions and exhibit the highest standards of sustainable design and construction. For the period 2013-16, a reduction in carbon dioxide emissions is required of 35% over the Target Emission Rates required by Part L 2013 of the Building Regulations for residential and non-residential development. This increased to 'zero carbon' for residential development for the period 2016-2031. The planning statement submitted in support of the application sets out that a 35% reduction can be achieved it is therefore recommended to condition details of this to be provided prior to occupation of the building. A condition would also secure a water use target of 110L per head per day.

Archaeology

- 7.27 The site is allocated within an archaeological priority zone, English Heritage have reviewed the details submitted and are satisfied that subject to further information being submitted there would be no detrimental impact upon any heritage assets.

Conclusions

- 7.28 The principle of development is considered acceptable within this area. The design of the scheme is of an acceptable standard and subject to the provision of suitable conditions the scheme is acceptable in relation to residential amenity, transport, and sustainability matters. Thus the proposal is considered in general accordance with the relevant policies.
- 7.29 All other relevant policies and considerations, including equalities, have been taken into account.