

PART 6: Planning Applications for Decision

Item 6.1

1 APPLICATION DETAILS

Ref: 22/03566/FUL  
 Location: British Legion Memorial Hall, 1268A London Road, Norbury, London, SW16 4EJ  
 Ward: Norbury and Pollards Hill  
 Description: Demolition of the existing building to the rear of Astral House and subsequent erection of a 5 storey building to provide ground floor community use (Class E(f)) with 20 residential units (Class C3) over and associated works  
 Drawing Nos: 20018-RA-XX-XX-DR-A-00\_001 Rev PL01; 20018-RA-XX-00-DR-A-00\_050 Rev PL01; 20018-RA-XX-XX-DR-A-00\_250 Rev PL01; 20018-RA-XX-00-DR-A-00\_150 Rev PL01; 20018-RA-XX-XX-DR-A-00\_151 Rev PL01; 20018-RA-XX-XX-DR-A-00\_350 Rev PL01 received 24 August 2022; 0035-CCL-B1-XX-DR-A-0650 Rev P1; 0035-CCL-XX-XX-DR-A-0001; 0035-CCL-XX-XX-DR-A-0002 received 01 February 2023; 0035-CCL-XX-XX-DR-A-1000 Revision P6 received 09 July 2024; SP03 Rev B and SP04 Rev A (tracking plans) received 31 July 2023; SP05 Rev A (tracking plan) received 09 July 2024.  
 Applicant: AA Developments Ltd  
 Agent: Mr Aaron Zimmerman (Centro Planning Consultancy)  
 Case Officer: Wayne Spencer

<b>Housing Mix</b>					
	<b>1 bed</b> (2 person)	<b>2 bed</b> (3 person)	<b>2 bed</b> (4 person)	<b>3 bed</b> (4 person)	<b>TOTAL</b>
<b>Existing</b>	0	0	0	0	0
<b>Proposed</b> (market housing)	7	3	0	7	17
<b>Proposed</b> (Affordable Housing)	1 (London Affordable Rent)	1 (London Shared Ownership)	0	1 (London Affordable Rent)	3
<b>TOTAL</b>	8	4	0	8	20

<b>Vehicle and Cycle Parking (London Plan Standards)</b>	
<b>PTAL: 3</b>	
<b>Car Parking maximum standard</b>	<b>Proposed</b>
20	5 (2 car club spaces for public use (including Astral House and new development), 3 blue badge parking spaces in total to serve both Astral House and the new development)
<b>Long Stay Cycle Storage minimum</b>	<b>Proposed</b>
38 (36 for residential; 2 for commercial)	40 (38 to serve the residential units and 2 to serve the nursery)

<b>Short Stay Cycle Storage minimum</b>	<b>Proposed</b>
2	2 (both to serve residential units)

1.1 This application is being reported to committee for the following reason:

- The Ward Councillors (Cllr Ben-Hassel and Cllr Griffiths) made representations in accordance with the Committee Consideration Criteria and requested committee consideration.

## **2 RECOMMENDATION**

2.1 That the Committee resolve to GRANT planning permission.

2.2 That the Director of Planning Sustainable Regeneration is delegated authority to issue the planning permission subject to:

A. The prior completion of a legal agreement to secure the following planning obligations:

a) Affordable Housing provision (15% by habitable room) secured as 1 x 3-Bed, 4 Person London Affordable Rent (LAR) unit; 1 x 1-Bed, 2 Person London Affordable Rent (LAR) unit and 1 x 2-Bed, 3 Person London Shared Ownership (LSO) unit). Early and late stage review mechanism to be secured.

b) Local Education and Training Strategy and contribution, for both construction phase (£20,000) and operational phase (£5,678).

c) Air quality contribution (£2,000).

d) Carbon Offsetting contribution (£17,670).

e) Sustainable transport contribution (£30,000).

f) The removal of residential parking permits should a Controlled Parking Zone be introduced in the future.

g) Securing the specific end user of the ground floor unit to ensure it remains a community use as a children's nursery.

h) Any necessary monitoring fee (approximately £1,500 per clause).

i) Any other planning obligation(s) considered necessary by the Director of Planning and Sustainable Regeneration

2.3 That the Director of Planning and Sustainable Regeneration is delegated authority to negotiate the legal agreement indicated above.

2.4 That the Director of Planning and Sustainable Regeneration is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

## **Conditions**

- 1) Commencement time limit of 3 years
- 2) Carried out in accordance with the approved drawings

### Pre-commencement

- 3) Construction Logistics Plan to include a Footway / Carriageway Condition Survey
- 4) Watching Brief for any archaeological findings during excavation works
- 5) Submission of Contaminated Land information

### Prior to works above ground level

- 6) External materials/samples and 1:10 or 1:20 detailed elevations
- 7) Landscaping and hard standing specifications (including specification of external lighting arrangements and vehicular and pedestrian gates to site entrance)
- 8) On site SUDS attenuation and surface water management details

### Pre-Occupation

- 9) Implementation of car parking as specified
- 10) Electric Vehicle Charging Points at 20% active and 80% passive
- 11) Submission of an external lighting scheme
- 12) Submission of a Refuse Management Plan
- 13) Submission of Delivery and Servicing Plan
- 14) Obscure glazing/Brise Soleil screening to the side facing upper floor windows
- 15) Submission of 'Secure By Design' information
- 16) Submission of Public Art details
- 17) Submission of a Travel Plan (including car club arrangements)

### Compliance

- 18) Accessibility and compliance with Part M4(2) with 10% compliant with M4(3)
- 19) Refuse and cycle stores to be provided as specified
- 20) Accordance with Sustainable Design and Construction Statement (including Energy)
- 21) Accordance with Tree Survey, Arboricultural Survey Impact Assessment and Method Statement
- 22) Accordance with Bat Scoping Survey and Biodiversity Net Gain Report
- 23) Accordance with the Fire Statement
- 24) Accordance with the Noise Assessment
- 25) Water efficiency requirements
- 26) Hours of operation for the nursery (8:00am to 6:00pm Monday to Friday, no operations on weekends or Bank Holidays)
- 27) No more than ten children using the nursery amenity space at any one time
- 28) No amplified sound from the ground floor nursery
- 29) Any other planning condition(s) considered necessary by the Director of Planning and Sustainable Regeneration

## **Informatives**

- 1) Granted subject to a Section 106 Agreement
- 2) Community Infrastructure Levy
- 3) Code of practice for Construction Sites
- 4) Construction Logistics Informative
- 5) Any other informative(s) considered necessary by the Director of Planning and Sustainable Regeneration

- 2.5 That the Committee confirms that adequate provision has been made, by the imposition of conditions, as required by Section 197 of the Town and Country Planning Act 1990.
- 2.6 That the Committee confirms that it has had special regard to the desirability of preserving the settings of listed buildings and features of special architectural or historic interest as required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.7 That, if within three months the legal agreement has not been completed, the Director of Planning and Sustainable Regeneration is delegated authority to refuse planning permission.

### 3 PROPOSAL AND LOCATION DETAILS

#### Proposal

- 3.1 The applicant seeks full planning permission for the demolition of the existing building to the rear of Astral House and subsequent erection of a 5-storey building. At ground floor a community use (Class E(f)) is proposed and the end user has been identified as a children's nursery. The proposal also includes a total of 20 residential units in the four floors over with a unit mix of 8 x 3-bed, 4 person, 4 x 2-bed, 3 person and 8 x 1-bed, 2 person flats with associated landscaping areas between Astral House and the proposed building, cycle and refuse storage and associated works.



Image 1: Proposed Site Layout

#### Amendments

- 3.2 Significant amendments were made to the scheme in February 2023 which included a detailed re-design of the landscaped area and parking arrangement between Astral House and the proposed building, additional information relating to the affordable housing offer, further details regarding the materials proposed and detailing on the building as well as clarity over the entrances to the building to alleviate secure by design concerns, Further information was also submitted relating to the external staircase treatment and showed the re-configuration of the integral cycle and refuse

stores within the building. These amendments involved re-consultation with third parties and the display of further site notices in close proximity of the application site.

- 3.3 Further amended plans were received on the 5th September 2023 which made further, less significant, alterations to the ground floor layout by providing improved landscaping arrangements, improved refuse and cycle layouts. These amendments were not consulted on as they were minor in nature in comparison to the previous amendments made in February 2023.
- 3.4 Further revisions were received on 9th July 2024 to amend the vehicle tracking for the refuse vehicles and to show the location of the vehicular and pedestrian entrance gates. The revisions also amended the communal/play space and provided clarity regarding the vehicle parking layout. Additionally, the application was amended from the more general Class E/F.1 Use Class to specifically Class E(f). Third parties were not re-consulted regarding these amendments given that they were points of clarification, did not make significant alterations to the submission amended in February 2023 and would not result in any additional impact on adjoining occupiers.

### **Site and Surroundings**

- 3.5 The application site is located on the north eastern side of London Road and is located to the rear of Astral House. The plot currently comprises of a flat roofed 2/3 storey building (with basement and mezzanine floors) which occupies the majority of the plot width and the building is no longer in use. The last known use of the building was as the British Legion Hall which is understood to have ceased operation a number of years ago. The site has an access road to the north west of Astral House which provides access to the site via an under croft driveway.
- 3.6 Further to the north east and beyond the site is Norbury Hall Park which is a Locally Listed Historic Park and Garden. However, the application site itself is not within a statutory protected area, the existing building to be demolished is not nationally or locally listed however the north eastern boundary wall forms part of the setting of the Listed Building to the east (namely Norbury Hall) which is a Grade II Statutory Listed Building. There are no other statutory or locally listed buildings in the immediate vicinity of the development site.



*Image 2: Site Location Plan*

## Planning Designations and Constraints

3.7 The site is subject to the following formal planning constraints and designations:

- PTAL: 3
- At 'high' risk of surface water flood risk (being 1 in 30, 1 in 100, 1 in 1000 year) and an area at risk of critical drainage
- Archaeological Priority Area (London to Brighton Roman Road)
- Adjacent to a Locally Listed Historic Park and Garden (Norbury Hall Park)
- Adjacent to Site of Nature Conservation Importance (Norbury Hall)
- Adjacent to a Statutory Listed wall to the east (Grade II)
- Approximately 90 metres west of Statutory Listed Norbury Hall (Grade II)

## Planning History

3.8 The following planning decisions are relevant to the application:

### ***Astral House*** (*fronting building outside application site*)

13/04115/GPDO – Use as 2 two bedroom and 45 one bedroom flats – Prior approval given and implemented

13/04116/P – Alterations; Installation of replacement cladding to west, east, south and north elevations – Permission granted and implemented

14/04863/P and the subsequent approval of details (reference 15/04832/RES) – Alterations; Construction of fifth floor to provide an additional 1 two bedroom, 5 one bedroom and 1 studio flats and installation of replacement cladding to all elevations – Permission granted and works to the main building implemented. Car park works and refuse provision approved not fully implemented

15/04742/P – Siting of refuse storage facility – Approved but not implemented

### ***Former British Legion Hall*** (*application site*)

20/06371/PRE – Comprehensive redevelopment for residential use – Advice given

21/04365/PRE – Redevelopment for mixed use – Advice given

## 4 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The principle of the replacement community use is acceptable despite the reduction in floor space, given that an end user has been identified. This end user would be secured as part of the Section 106 Agreement if approved;
- The principle of intensified residential development is acceptable given that residential accommodation exists in the surrounding area and given the need for housing nationally and locally;
- The viability information has been independently assessed and the maximum level of affordable housing is secured, being three units on the third floor consisting of 1 x London Affordable Rent 3-Bed, 4 Person unit; 1 x London Affordable Rent 1-Bed, 2 Person unit and 1 x London Shared Ownership 2-Bed, 3 Person unit;
- The mix of unit sizes falls short of the 60% requirement, making provision for 8 of the 20 dwellings as family homes (40%) however, given the close proximity of the

site to the District Centre and the proximity of the site to PTAL 4, together with other benefits the scheme brings, this provision is considered acceptable, on balance;

- All of the units are space standard compliant and the median LUX for all of the units would comply with BRE Daylight and Sunlight guidance. Three bedrooms at third floor level are under the required LUX levels for daylight, but all units achieve sunlight BRE compliance. The quality of accommodation is, on balance, acceptable;
- The design and appearance of the development is of an acceptable quality, and it is not considered that it would harm the character of the surrounding area;
- The proposal would not result in any harm to heritage assets (most notably the Grade II Listed Building and listed wall to the north east);
- There would be minor daylight and sunlight impacts to the occupiers of 1270 London Road, and there would be some major adverse impacts to a limited number of occupiers within Astral House in terms of daylight. Whilst this would result in some harm, it is not considered that this would be to an extent that warrants refusal of scheme when weighed in the planning balance given the benefits secured;
- The separation distances between the proposed development and neighbouring properties would be sufficient to prevent significant harm to neighbouring privacy and outlook;
- The level of parking and impact upon highway safety and efficiency would be acceptable;
- Impacts upon biodiversity and ecology is acceptable given the net increase in soft landscaping; and
- Suitable planning obligations and conditions have been recommended in order to secure air quality and carbon off-setting contributions and to result in a betterment in terms of surface water flooding.

4.1 The following sections of this report summarise the officer assessment and the reason for the recommendation.

## **5 CONSULTATION RESPONSE**

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

5.2 The following were consulted regarding the application:

### **Lead Local Flooding Authority**

5.3 No objection to SuDS measures subject to condition [*OFFICER COMMENT: condition recommended*]

### **Transport for London (TfL)**

5.4 No objection subject to conditions relating to parking and cycle provision [*OFFICER COMMENT: conditions recommended*]

### **Thames Water**

5.5 No objection subject to conditions and informatives [*OFFICER COMMENT: conditions recommended*]

#### **Design Out Crime Officer**

5.6 No objection subject to conditions [*OFFICER COMMENT: condition recommended*]

#### **Historic England (Archaeology)**

5.7 No objection subject to condition [*OFFICER COMMENT: condition recommended*]

#### **Ecology Consultants (Place Services)**

5.8 No objection subject to condition [*OFFICER COMMENT: condition recommended*]

#### **Contaminated Land Officer**

5.9 No objection subject to condition [*OFFICER COMMENT: condition recommended*]

### **6 LOCAL REPRESENTATION**

6.1 A total of nine neighbouring properties were notified about the application and invited to comment. In addition, a number of site notices were displayed close to the site providing consultation to the wider area. 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: 8   Objecting: 7   Supporting: 0   Comments: 0

6.2 Councillors Leila Ben-Hassel and Griffiths have objected to the proposal on the following grounds:

- the development would provide no affordable housing provision;
- would result in the loss of a community use;
- would result in a cramped and overdeveloped site;
- would fail to retain suitable living conditions for existing occupiers (noise and disturbance and loss of light);
- would provide insufficient communal space and play space for future occupiers;
- would fail to provide suitable parking provision;
- would fail to provide space for visitors, servicing of the development or deliveries.

*OFFICER COMMENT: all of these matters are addressed in the main body of the report below.*

6.3 The following local groups/societies made representations:

- Scots Estate Norbury Residents' Association [objecting]

6.4 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:



<b>Objection</b>	<b>Officer comment</b>
<ul style="list-style-type: none"> <li>· Loss of a community facility – to be used for commercial purposes and not the wider community</li> </ul>	<i>Covered within paragraphs 8.2 to 8.4</i>
<ul style="list-style-type: none"> <li>· Cramped/overdevelopment of the site</li> <li>· Poor quality design</li> </ul>	<i>Covered within paragraphs 8.37 to 8.47</i>
<ul style="list-style-type: none"> <li>· Proposed dwellings would not provide high quality living conditions (poorly laid out bedroom windows)</li> </ul>	<i>Covered within paragraphs 8.15 to 8.22</i>
<ul style="list-style-type: none"> <li>· No social housing</li> </ul>	<i>Covered within paragraphs 8.12 to 8.13</i>
<ul style="list-style-type: none"> <li>· Loss of light and overshadowing to neighbouring properties</li> <li>· Noise and disturbance to neighbouring properties</li> </ul>	<i>Covered within paragraphs 8.49 to 8.65</i>
<ul style="list-style-type: none"> <li>· Loss of/harm to trees and biodiversity/wildlife impact</li> </ul>	<i>Covered within paragraphs 8.80 to 8.85</i>
<ul style="list-style-type: none"> <li>· Insufficient parking provision to serve the development, including a lack of disabled parking</li> <li>· Insufficient space within the site for deliveries, servicing and emergency services</li> <li>· Increased parking stress/trip generation</li> <li>· Highway and pedestrian safety</li> <li>· Inadequate turning space to allow entry and exit in a forward gear</li> </ul>	<i>Covered within paragraphs 8.68 to 8.74</i>
<ul style="list-style-type: none"> <li>· Insufficient refuse/waste storage</li> <li>· Insufficient access and turning space for refuse collection vehicles</li> </ul>	<i>Covered within paragraphs 8.77 to 8.79</i>
<ul style="list-style-type: none"> <li>· Management of the space between the buildings</li> </ul>	<i>OFFICER COMMENT: This will be detailed in a management plan that could be secured by planning condition</i>
<ul style="list-style-type: none"> <li>· Impact upon GPs, public transport and other local services</li> </ul>	<i>Covered within paragraph 8.37</i>
<ul style="list-style-type: none"> <li>· Query over land ownership</li> </ul>	<i>OFFICER COMMENT: Not a material planning consideration however further details have been provided during the application process to clarify land ownership to ensure the right notices have been served</i>
<ul style="list-style-type: none"> <li>· Loss of memorial stones, boards and local historic artefacts</li> </ul>	<i>OFFICER COMMENT: The specific materials and artefacts within the application site are not of historic interest and therefore cannot be protected</i>
<ul style="list-style-type: none"> <li>· Lack of consultation and involvement with the local community</li> </ul>	<i>OFFICER COMMENT: The required consultation process was carried out by the Council by way of letters to those who adjoin the application site and site notices were displayed on London Road and Craignish Avenue.</i>

## 7 RELEVANT PLANNING POLICIES AND GUIDANCE

### Development Plan

7.1 The Council's adopted Development Plan consists of the London Plan 2021, the Croydon Local Plan 2018 and the South London Waste Plan 2022. Although not an exhaustive list, the policies which are most relevant to the application are:

#### London Plan (2021)

- D1 London's Form Character and Capacity for Growth
- D2 infrastructure Requirement's for Sustainable Densities
- D3 Optimising Site Capacity Through the Design-Led Approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D11 Safety, security and resilience to emergency
- D12 Fire Safety
- D13 Agent of Change
- D14 Noise
- H1 Increasing housing supply
- H2 Small sites
- H4 Delivering affordable housing
- H5 Threshold approach to applications
- H6 affordable housing tenure
- H10 Housing size mix
- S1 Developing London's social infrastructure
- S4 Play and informal recreation
- E11 Developing London's social infrastructure
- HC1 Heritage conservation and growth
- G5 Urban Greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI1 Improving air quality
- SI2 Minimising greenhouse gas emissions
- SI 4 Managing heat risk
- SI 5 Water infrastructure
- SI 8 Waste capacity and net waste self-sufficiency
- SI12 Flood risk management
- SI13 Sustainable drainage
- T1 Strategic approach to transport
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking
- T7 Deliveries, servicing and construction
- T9 Funding transport infrastructure through planning
- DF1 Planning Obligations

## Croydon Local Plan (2018)

- SP2 Homes
- DM1 Housing choice for sustainable communities
- SP3 Employment
- DM8 Development in edge of centre and out of centre locations
- SP4 Urban Design and Local Character
- DM10 Design and character
- DM13 Refuse and recycling
- DM14 Public art
- DM18 Heritage assets and conservation
- SP5 Community facilities
- DM19 Providing and protecting community facilities
- SP6 Environment and Climate Change
- DM23 Development and construction
- DM25 Sustainable drainage systems and reducing floor risk
- DM27 Protecting and Enhancing our Biodiversity
- DM28 Trees
- SP8 Transport and communications
- DM29 Promoting sustainable travel and reducing congestion
- DM30 Car and cycle parking in new development
- DM41 Norbury

7.2 The Development Plan should be read as a whole, and where policies conflict with each other, the conflict must be resolved in favour of the policy contained in the last document to be adopted, approved or published as part of the development plan, (in accordance with S38(5) of the Planning and Compulsory Purchase Act 2004).

## **Planning Guidance**

### National Planning Policy Framework (NPPF)

7.3 Government Guidance is contained in the NPPF, updated in December 2023, and accompanied by the online Planning Practice Guidance (PPG). 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:

- Delivering a Sufficient Supply of Homes
- Promoting Sustainable Transport
- Achieving Well Designed Places

### SPDs and SPGs

7.4 There are also several Supplementary Planning Documents (SPD) and Supplementary Planning Guidance (SPG) documents which are material considerations. Although not an exhaustive list, the most relevant to the application are:

- London Housing SPG (March 2016)
- London Mayoral Affordable Housing SPG: Homes for Londoners (August 2017)
- Technical Housing Standards: Nationally Described Space Standard (2015)

- National Design Guide (2021)
- Optimising Site Capacity: A Design-led Approach LPG (June 2023)
- Housing Design Standard LPG (June 2023)

## **8 MATERIAL PLANNING CONSIDERATIONS**

- 8.1 The main planning issues raised by the application that the committee must consider are:
1. Principle of development
  2. Mix and affordable housing
  3. Quality of residential accommodation
  4. Heritage, design and impact on character of the area
  5. Impact on neighbouring residential amenity
  6. Access, parking and highway impacts
  7. Trees, landscaping and biodiversity
  8. Environmental
  9. Other planning matters
  10. Conclusions

### **Principle of development**

#### Community use

- 8.2 The existing building to be demolished was formerly used as the British Legion Hall which was considered a community facility as defined by Croydon Local Plan Policy DM19. The former use of the building had a floor area of approximately 804sqm and the forecourt to the site frontage was used to serve as parking for the former community use. The site would be afforded protection by Policy DM19.
- 8.3 The proposal seeks to re-provide a community use in the form of a children's nursery Use Class E(f) at ground floor level and the proposed floor area associated with the nursery use would equate to approximately 175sqm. Whilst the proposed use would result in a reduction of floor area of over 600sqm associated with a community use in addition to the frontage reduction, the proposal would provide a use which would serve the community and bring an active community use to a building which has remained vacant since 26 January 2021 according to the application submission (with no evidence to the contrary). Furthermore, the proposed floor space to be used as a nursery would be sufficient to meet the needs of the potential future occupiers and the proposal would incorporate improvements to the pedestrian access and soft landscaping arrangements within the site.
- 8.4 Policy DM19.1c requires facilities for a specific end user (either on site or off site as part of a comprehensive redevelopment) that meet current or future needs. The applicant has provided a Heads of Terms which confirms who the end user of the building would be and confirmation that the facility would meet the current and future needs of the end user as a children's nursery facility. This would be secured as part of the S.106 legal agreement to ensure the community facility is retained on site. The proposed retention of the community facility, with the floor area stipulated in the submission, would be acceptable in principle.
- 8.5 With regards to Policy D13 (Agent of Change) of the London Plan 2021, this policy seeks to place the responsibility for mitigating the impact of noise and other nuisances

firmly on the new development. This means that where new developments are proposed close to existing noise-generating uses, for example, applicants will need to design them in a more sensitive way to protect the new occupiers, such as residents, businesses, schools and religious institutions, from noise and other impacts. The application is supported by a Noise Assessment which states that the site would be at 'medium' risk of noise impact and seeks to secure mitigation measures including an 'Approved Document F' ventilation system and that 'suitable internal noise levels can be achieved with a standard double glazed window system' in order to conform the required British Standards. The Council's Environmental Health Team have considered the submission and have confirmed that, provided the applicant follows the recommendations contained within the Noise Assessment, the resulting uses would not have a significant impact upon each other and would be acceptable to conform to London Plan Policy D13 subject to the inclusion of a suitable hours of use condition, a restriction on the number of children using the outdoor space serving the nursery and a restriction on amplified noise, to ensure suitable internal and external noise levels at suitable times.

### Residential

- 8.6 The Croydon Local Plan (CLP) 2018 sets out a housing target of 32,890 homes over a 20-year period from 2016-2036 (1,645 homes per year). The London Plan requires 20,790 of those homes to be delivered within a shorter 10 year period (2019-2029), resulting in a higher target of 2,079 homes per year. The CLP 2018 also sets out a target for development on Windfall sites of 10,060 homes (approximately 503 per year). The London Plan requires 6,410 net completions on small sites (below 0.25 hectares in size) over 10 years, with a small-sites housing target of 641 per year.
- 8.7 The London Plan (LP) 2021 and the National Planning Policy Framework (NPPF) 2023 place significant weight on housing delivery and focus on the roles that intensification and small sites in particular can play in resolving the current housing crisis. Policy SP2.1 of the CLP 2018 applies a presumption in favour of development of new homes and Policy SP2.2 states that the Council will seek to deliver 32,890 homes between 2016 and 2036, with 10,060 of said homes being delivered across the borough on windfall sites.
- 8.8 LP 2021 Policy D3 encourages incremental densification to achieve a change in densities in the most appropriate way. Policy H2 seeks to significantly increase the contribution of small sites to meeting London's housing needs and also sets out that development density should be proportionate to a site's connectivity and accessibility including both PTAL and access to local services. Supporting Paragraph 4.2.4 outlines that existing residential areas within PTALs 3-6 or within 800m distance of a station or town centre boundary is expected to play an important role in contributing towards the housing targets for small sites. Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling (Criterion B of Policy D3). The site is less than 0.25 hectares, is very close to the Norbury District Centre (less than 50 metres to the south from the District Centre boundary) and within 500m of Norbury Railway Station and, on that basis, the site is considered to be in a suitable location for the proposed residential development.

### **Mix and affordable housing**

- 8.9 CLP Policies SP2.7 and DM1.1 set a strategic target for 30% of all new homes over the plan period to have 3 or more bedrooms to meet the Borough's need for family sized units and ensure that a choice of homes is available in the Borough. The proposed development would result in a net increase of 8 family sized homes within the site; all of which would be of a 3-bed, 4 person nature.
- 8.10 Table 4.1 requires major development within urban areas with a PTAL rating of 3 to provide 60% family sized units and the proposed development would provide a total of 40% family sized units. Therefore the scheme does not comply with policy and this counts against the proposal. However, given the close proximity to the District Centre boundary, it is considered that there should be a degree of flexibility with regards to unit mix as, if the site was 50 metre further north, it would be compliant with Table 4.1. It is considered that significant weight should be attached to housing delivery on this brownfield site as set out in the framework and, when taking into account the planning balance, it is considered that proposed residential unit mix for the site in question would be, on balance, acceptable.
- 8.11 London Plan policy H4 and Local Plan Policy SP2.4 set a strategic target for 50% of homes delivered across London and across Croydon to be genuinely affordable, subject to viability. The Council is following the threshold approach to affordable housing as outlined in London Plan Policy H5. Applicants must provide a minimum of 35% affordable housing on site to follow the fast track route. In this case, the fast track route is not being followed and a Viability Assessment has been submitted by the applicants. Policy SP2.5 also sets out the preferable minimum provision is 30% affordable housing on site, with an absolute minimum (part c) of 15% provision on site with a review mechanism (so long as construction costs are not in the upper quartile). Policy SP2.4 seeks a tenure split ratio of 60:40 between affordable rented and intermediate homes.
- 8.12 The Affordable Housing Statement submitted stated that the scheme was unable to provide any affordable housing units. Instead, it offered a commuted sum in lieu of the offer affordable units. This offer was independently assessed by an external Viability Consultant and it was concluded by the assessor that the development could not provide affordable housing units due to the land values and construction costs. However, negotiation has taken place during the application process between the Council and the applicant with regards to the affordable offer and the need to conform to Local Plan Policy SP2.4 and SP2.5 to provide a minimum of 15% affordable housing on the site. The applicant has since agreed to provide three affordable units on site which would be on the third floor comprising: 1 x London Affordable Rent 3-Bed, 4 Person unit; 1 x London Affordable Rent 1-Bed, 2 Person unit and 1 x London Shared Ownership 2-Bed, 3 Person unit. This offer would equate to 15% of the total number of residential units and would also be 15% based on the number of habitable rooms being proposed and this quantum would conform to the minimum requirements of Policies SP2.4 and SP2.5 of the Croydon Local Plan 2018.
- 8.13 The construction costs of the development are not within the upper quartile and, on the basis, the affordable housing offer is compliant with the minimum affordable housing offer set out in Croydon Local Plan Policies SP2.4 and SP2.5, Officers are satisfied with the affordable housing offer being made by the applicant. The specific units being offered would be secured via a Section 106 Agreement if the Planning Committee consider the development to be acceptable and would be the subject of an early and late stage viability review of the affordable offer; again secured as part of the Section 106 Agreement.

## **Quality of residential accommodation**

- 8.14 London Plan 2021 Policy D6 states that housing developments should be of a high quality and provide adequately sized rooms with comfortable and functional layouts. It sets out minimum Gross Internal Area (GIA) standards for new residential developments which align with national requirements. Croydon Local Plan Policy SP2.8 also considers the quality and standards for residential accommodation.

### Size

- 8.15 The proposed 8 x 1-bed, 2 person units; 4 x 2-bed, 3 person units and 8 x 3-bed, 4 person units would be required to be at least 50, 61 and 74sqm in floor area respectively. The submitted details have confirmed that all of the proposed units would measure meet these requirements and all of the flats would be provided with built-in storage which would exceed the minimum space standards. All bedrooms within the proposal comply with parts 2, 3, and 4 of London Plan Policy D6 in relation to bedroom size standards. The proposed internal floor to ceiling heights of the units will measure at least 2.5 metres so at least 75% of the floor space of the entire floor to ceiling heights would be 2.5 metres high. Furthermore, all residential units would be dual aspect and, to ensure that acceptable privacy is maintained for occupiers of these units, the proposal seeks to provide defensible planting in front of windows which adjoin the deck access and it is intended that the proposed landscaping condition would require details of this to ensure it is acceptable. Whilst some of the outlook from the rooms fronting the staircase would be slightly compromised, these are to be used as bedrooms which are less important than the primary living areas of the flats in question. Furthermore, the perforated stair case design would allow light into the rooms and an acceptable outlook from the rooms. As a result, it is considered that the internal space within each of the flats would be adequate to serve future occupiers, on balance.

### Amenity space

- 8.16 There is provision for private amenity spaces for all 20 units which measure between 5.1sqm and 7.1sqm and these would be acceptable in terms of size for the units they would serve. Third party comments have raised concern that the trees within Norbury Hall Park to the north could restrict the amount of natural daylight and sunlight into the rear amenity spaces and rear facing windows of the units. It is normal practice that Daylight and Sunlight Assessments do not consider trees and BRE guidelines confirm that the acceptable minimum Spatial Daylight Autonomy (SDA) target and this is covered in the section below entitled 'light'.
- 8.17 The submission includes communal space and play space to the south west of the new building split into two separate spaces; both measuring approximately 65sqm and 72sqm (total of 137sqm). Croydon Local Plan Policy DM10.5 requires flatted developments to provide high quality communal outdoor space and play space, which is flexible, multi-functional, accessible and inclusive. The spaces are located very close to the main entrance of the building and have suitable layout to be used for a multitude of purposes with play equipment shown indicatively. The policy requires a minimum of 65.3sqm of play space within the site which is exceeded by the proposed development. In addition to the size, the location and design of the communal and play space provision would be of sufficient high quality in this instance and would be considered acceptable in this regard.

### Light

- 8.18 A Daylight and Sunlight Assessment has been submitted with this application (see Appendix 1 for daylight/sunlight terms) which concludes that, with regard to daylight,

77% of the windows meet the guidance in terms of Average Daylight Factor (ADF). Given the date that this application was originally submitted, the 2022 BRE document was very new, and therefore the daylight and sunlight assessment submitted with the application considered the old and new tests for internal daylighting for future occupiers. The Average Daylight Factor (ADF) assessment included within the report is no longer considered and therefore this report focuses on the Spatial Daylight Autonomy (SDA) only with regards to future occupiers.

- 8.19 In terms of daylight and Spatial Daylight Autonomy (SDA), the original assessment concluded that 0% of the floor area of the bedrooms within the first floor level would meet the required LUX levels (with a target 50% of the space for more than half of the daylight hours in the year), with five bedroom windows at second floor level having between 6% and 10% of their floor area able to achieve the required LUX levels and three windows at third floor level having between 30% and 42% of their floor area being able to meet the required LUX Levels. Whilst these bedroom windows were not BRE compliant, all of the main living rooms within the proposed units met the BRE guidance in terms of SDA.
- 8.20 Further to officer advice during the application process, the applicant has amended the scheme to increase the size of the bedroom windows at first and second floor level. The applicant has also provided updated SDA figures for the first floor which confirms that all of the first floor windows exceed SDA targets. As the second floor would likely achieve even more daylight than the first floor, it is the professional view of the applicant's consultant that these windows would also exceed BRE targets in terms of SDA which Officers concur with. There are three windows which serve bedrooms at third floor level with the lowest LUX level being met for 30% of the bedroom (with a BRE target of 50%). All other windows within the proposed building would achieve BRE guidance LUX levels targets. Bedrooms are considered to be a less important receptor than living kitchen dining spaces, where occupants will inevitably dwell and all of these rooms meet the required guidance. Therefore, despite there being some transgression to the proposed bedroom windows which fail to meet the SDA targets, this is not considered to be so significant to result in an unacceptable standard of internal accommodation for future occupiers. With the increased bedroom window heights at first and second floor levels, it is considered that the development as a whole would provide an acceptable standard of accommodation to serve future occupiers.
- 8.21 Sunlight analysis submitted shows that all of the units have at least one window facing with 90 degrees of due south and one room achieving the minimum of 1.5 hours of direct sunlight which is the requirement of BRE guidance (and this is the living kitchen dining rooms which have the greatest need for direct sunlight). The bedrooms, predominantly located on the western elevation which contains the deck access, perform the worst in terms of receipt of sunlight but this is not unexpected given the layout of the scheme. It is important to note the units perform generally well for daylight receipt as explained above.
- 8.22 With regards to the proposed external amenity space, BRE guidance states that, for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least two hours of sunlight on 21st March. The Daylight and Sunlight Assessment shows that approximately 28% of this space will be lit on 21 March however this would increase to 57% by 04 April. Again, whilst this does not technically meet the BRE guidance, the space would be well lit shortly after the Spring equinox and, having assessed the results of the Daylight and Sunlight Assessment, it



is considered that the proposal would provide a good quality of accommodation to serve future occupiers, on balance.

#### Outlook and privacy

- 8.23 Third party comments refer to overlooking, loss of privacy, noise and disturbance. However, given the separation distances from neighbouring properties which would be at least 18 metres between habitable room windows, it is not considered that there would be significant overlooking, loss of privacy, noise or disturbance to the detriment of future occupiers. It is considered that the resulting standard of accommodation would be acceptable, on balance, and would conform to the provisions of London Plan 2021 Policy D6 (Housing quality and standards) and Croydon Local Plan 2018 Policy DM10.

#### Accessible Dwellings

- 8.24 LP Policy D7 states that 10% of new build housing should meet Building Regulation requirement M4(3) 'Wheelchair User Dwellings'; and all other dwellings should meet the Building Regulation requirement M4(2) 'Accessible and Adaptable Dwellings' which requires step free access to all units and the facilities of the site.
- 8.25 The proposed development would be step free as there is a gentle gradient into the site from London Road, there is a level pathway to the entrance to the building and all of the upper floor flats would be served by a lift. Each of the dwellings would have an accessible WC and refuse and cycle storage is provided in purpose built stores within the main built envelope of the building. One additional blue badge parking bay is to be provided within the site to serve the new development which would result in a 5% provision of blue badge parking for the new element. There is no ability to increase the provision to 10% (as required by T6.1 of the London Plan) which is a shortcoming of the scheme.
- 8.26 The wider site would provide a total of three disabled parking spaces and two car club spaces; all of which are adjacent to the rear elevation of Astral House. Having regard to the wider site, the applicant has confirmed that the properties in Astral House do not currently use the existing parking spaces as these are used by the freeholder (Criterion Capital) who have control over the application site and Astral House. However, once developed, this will be secured for both Astral House occupiers and the occupiers of the new development and the submission now includes a pedestrian and vehicular entrance gate across the site entrance to prevent the use of these spaces by any other person(s). With regards to the proposed level of blue badge parking, the Strategic Transport Officer considers that the overall quantum would be acceptable, on balance. As a result, the development is considered to be acceptable in this regard.

#### Fire safety

- 8.27 London Plan Policy D12 requires all development proposals to achieve the highest standards of fire safety and ensure that they identify suitably positioned unobstructed outside space. They should include an evacuation assembly point, appropriate features which reduce the risk to life and serious injury in the event of a fire; appropriate fire alarm systems and fire safety measures, must minimise the risk of fire spread, provide suitable and convenient means of escape and a robust strategy for evacuation as well as provision of suitable access and equipment for firefighting.
- 8.28 The proposed development seeks to provide a nursery at ground floor level and 20 residential units above all split over five storeys. The submission demonstrates that the

fire appliance would be able to access the site from London Road through the existing undercroft of Astral House (which has 4.2m high clearance) and there is a sufficient rendezvous point for the Fire and Rescue Service between the development and Astral House. The proposal would include a sprinkler system for the entire block which would enable the Fire and Rescue Service to reach the furthest part of the building. The means of escape would be via the main entrance to the front of the building and there is sufficient space at within the central area of the site between the new building and Astral House to provide a safe muster point for occupiers. It is understood that there would be a 'stay-put' instruction for all unaffected flats which residents will be made aware of. All escape routes would have fire resistance included and the deck access and suitcase are open and therefore able to be naturally ventilated. Emergency lighting would also be provided through the communal escape routes. All dwellings would also have fire resistant partitions and balcony treatments as well as FD-30 fire doors. Each dwelling would be fitted with sprinklers as well as smoke and heat detectors/alarms and, on that basis, it is considered that it has been suitably demonstrated that the development would meet the requirements of London Plan Policy DM12 (Fire Safety).

8.29 In conclusion, it is considered that the units would provide an acceptable standard of internal accommodation to serve future occupants.

### **Heritage, design and impact on character of the area**

8.30 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires (at section 66) with respect to listed buildings, that special regard is paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess. With regard to conservation areas (at section 72), it requires special attention to be paid to the desirability of preserving or enhancing their character or appearance.

8.31 The NPPF (2023) places strong emphasis on the desirability of sustaining and enhancing the significance of heritage assets and affords great weight to the asset's conservation. At paragraph 205 it states that:

*“great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm”*

8.32 Any harm to a designated heritage asset, including from development within its setting requires “clear and convincing justification” (paragraph 206), with less than substantial harm weighed against the public benefits delivered by the proposed development (paragraph 207).

8.33 With regard to non-designated heritage assets, paragraph 209 of the NPPF (2023) states that:

*“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing... applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

- 8.34 Policy HC1 of the London Plan 2021 states that proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. Policy DM18 of the Croydon Local Plan (2018) permits development affecting heritage assets, where the significance of the asset (and setting) is preserved or enhanced. Policy SP4 requires developments to respect and enhance heritage assets.
- 8.35 Norbury Hall to the east is a Grade II Statutory Listed Building (a designated asset) and the proposed building would be over 90 metres west of the Listed Building however it would be close to the boundary wall which forms part of the setting of this Listed Building. Conservation Officers have been consulted on the proposed development and they have concluded that the development would continue to preserve the heritage of the Listed Building and would not result in any degree of harm to this designated asset. As such, the proposal would conform to the heritage related policy and guidance.
- 8.36 Section 12 of the NPPF (updated December 2023) attaches great weight to the importance of design in the built environment, with Paragraph 135 stating that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). London Plan Policy D3 requires new development to optimise site capacity through a design-led approach. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. Development should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. Policy SP4.1 and SP4.2 of the Croydon Local Plan 2018 states that the Council will require development to be of a high quality and be informed by the distinctive qualities, identity, topography and opportunities of the relevant places of Croydon. Policy DM10.1 states that proposals should achieve a minimum height of 3 storeys whilst respecting 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. CLP Policy DM10.7 requires developments to incorporate high quality materials that respond to the local character in terms of other things durability, attractiveness, sustainability, texture and colour. This policy also requires roof forms to positively contribute to the character of the local and wider area with proposals being sympathetic with its local context.
- 8.37 The application site is located to the rear of Astral House, which is a 6 storey building and given the presence and width of this building, the proposed building would not be easily visible from the London Road. The immediate area consists of buildings which vary between 5 and 9 storey in height and, given the site characteristics, the erection of a 5-storey building to the rear of Astral House would not be unduly prominent in the street scene when viewed from London Road given the back land nature of the development and noting the stepped rear form of the building immediately to the north.
- 8.38 The proposal would be at least two storeys taller than the existing building to be demolished and would be more prominent when viewed from the north in Norbury Hall Park. However, there are a number of trees along the northern boundary between the application site and Norbury Hall Park which would, to a certain extent, soften the visual

impact of the proposed development when viewed from Norbury Hall Park. Whilst the replacement building would be more prominent, it would not have a detrimental impact upon Norbury Hall Park as a historic asset and the proposed building would also be seen against the backdrop of the taller buildings further to the south east and north west along London Road. On that basis, it is not considered that the redevelopment of the site in question would result in a significantly prominent or dominant development upon the street scene. The site already has a building on it which will be demolished and there are a number of buildings which exist on back-land site in the immediate locality. As such, the proposed development would not represent an isolated back-land development in this location as forms of development behind the London Road is characteristic of the area.

- 8.39 With regards to the proposed building footprint, the proposed built form would result in a separation distance of approximately 1.5 metres from the northern boundary with Norbury Hall Park at its closest point and approximately 18 metres from the rear wall of Astral House. Whilst it would be very close to the park boundary, this is not dissimilar from the existing separation distance of the existing building on site from the park (which is approximately 1 metre) it is considered that the proposed separation distance of approximately 1.5 metres combined with the existing tree coverage, which the Council have control over given that it is within the Locally Protected Historic Park and Garden, would not have an acceptable impact upon this designated asset in terms of scale and footprint. Furthermore, the overall built footprint would be similar to the building to be demolished and therefore the proposal would be considered acceptable in this regard.
- 8.40 The development would occupy the vast majority of the plot width however the existing building is of a similar footprint to the proposal. The development provides sufficient spacing between the proposed building and Astral House and the height of the proposed building has taken the datum lines from the surrounding buildings and the proposed built form would have a degree of subservience when compared to the height and massing of the buildings which front London Road. As a result, it is considered that the scale, massing and layout of the proposed building is acceptable.
- 8.41 In terms of site layout, there are limited alterations to the vehicle/pedestrian entrance to the site. The latest submission includes some landscaping enhancements to the access route which includes an ornamental tree and buffer between the access road and the flank wall of Astral House. Discussion has taken place during the application process over increasing the soft landscaping (including native species) further to include wall climbing plants, the potential for road side rain gardens and peripheral planting to further enhance soft landscaping within the site and such matters could be secured by planning condition. Such planting would occupy minimal site space and would serve to enhance the visual appearance whilst continuing to allow sufficient access and turning space within the site. The alterations to the layout, which includes an enhancement of soft landscaping to provide communal/play space, improved parking arrangements and visitor cycle parking provision, would reduce the ratio of hard surfacing within the site and would result in a positive aspect of the scheme which would enhance the existing central part of the site which is currently solely used for the parking of vehicles.
- 8.42 Some contextual analysis of roof forms has been submitted with the application and the surrounding area, particularly the newer developments within the locality which are larger in scale, tend to have façades which use horizontal banding and fenestration

which seeks to emphasize horizontality. The differing eras of development have been assessed as part of the character analysis and there are a variety of architectural expressions, with later developments in the locality predominantly consists of flat roofs. The proposed development seeks to replicate the flat roof approach and includes vertical and horizontal banding and framing on the front and rear elevations in an attempt to replicate the vertical and horizontal rhythm which has been used on surrounding buildings. The vertical elements of the proposed facade are emphasised and this seeks to reduce the visual impact of the block and give the impression of a “terrace” of buildings. The vertical grid structure on the façade steps forward from the horizontal deck access at upper floor levels and seeks to create a vertical pattern across the whole building. The applicant has referred to the scheme as providing a “supergrid” on the front facade which is emphasized to ‘create a calm, proportioned approach to the building as a whole which holds the varying but balanced openings of the facade.’ This grid-like form is expressed to either side of the building and seeks to add visual interest with brickwork detailing to emphasise the key facade elements. This approach seeks to create a rhythm across the building which references the terraced buildings of the local area.



*Image 3: Proposed frontage CGI (noting this is slightly out of date as the first and second floors now have floor to ceiling glazing)*

8.43 The application submission has included some imagery of the proposed brickwork which the applicant states is proposed to be ‘warm red/grey colour mix’ with metalwork (including the staircase, balconies and window brise soleile) which would use a warm, silk grey tone which seeks to sit harmoniously with the proposed brickwork tones. The proposal also seeks to provide dark window frames to emphasize the proportions and pattern of the façade with all windows due to be set back at least 1 brick length from the facade itself. The applicant is also seeking to provide GRC stone banding between the community unit at ground floor level and the residential units to the upper floors to express the slab edge and provide variation and distinction between the differing uses. The building seeks to provide a lift core adjacent to a semi-open/permeable staircase to

the south easternmost side of the building frontage to provide access to the upper floors. This staircase has a sculptural curved form which the applicant states seeks '*to celebrate its presence within the courtyard.*' It would be constructed using aluminium facade blades to wrap the staircase structure and it is considered that this approach would be an acceptable solution to providing external access given its permeable nature. With regards to the specifications of the external materials, these have been specified during the course of the application and the specific quality of these materials would be controlled by planning condition.

- 8.44 Having regard to the character analysis and the proposed design, architectural expression and materiality, it is considered that whilst there are some features of the proposed building that are different to the built form that exists in the locality, its architectural expression with horizontal banding would tie in with the general character of the flat roof buildings which exist in the locality. Furthermore, the proposed design would be a modern interpretation of the earlier flat roofed blocks which exist in the locality and would use high quality materials with appropriate variations in colour and texture. The building would be subservient in scale to the buildings fronting London Road and, given the presence of Astral House and other buildings in the street scene, the visibility of the building from London Road would be limited. In addition, there are differences between the form and design of the buildings fronting London Road to distinguish these from one another. There is no objection to the proposed materials palette as these would be of high quality and would help to integrate the building into the surrounding context. However, in order to ensure this design approach and expression is successful, the Council would require the developer to provide 1:20 scale drawings of the detailed facade and also commit to the quality of detailing represented in the submitted documentation. Such detailing, if the officer recommendation was carried, would be secured by condition.
- 8.45 The application has been considered by the Designing Out Crime Officers who are satisfied that any enhancements to the site to discourage anti-social behaviour, such as the provision of a vehicular and pedestrian gate controlled by a keyfob (noting the gate has been secured through amendments) could be controlled by planning condition.
- 8.46 Furthermore, as part of on-site enhancements and a requirement of policy DM14 of the Croydon Local Plan, the Council would require public art to form part of the development and such matters could also be controlled by planning condition.
- 8.47 In conclusion, it is considered that the site layout, footprint, scale, massing, design and architectural expression and design would not be harmful to the character and appearance of the surrounding area. As such, the development would conform to Policies D3 and D4 of the London Plan 2021 and Policies SP4 and DM10 of the Croydon Local Plan 2018.

### **Impact on neighbouring residential amenity**

- 8.48 Policies SP6 and DM23 of the Croydon Local Plan 2018 require new development to minimise air and noise pollution. Policy DM10 of the Croydon Local Plan 2018 seeks to ensure that the amenity of the occupiers of adjoining buildings are protected including from overlooking, loss of light or visual intrusion and ensuring that lighting schemes do not cause glare and light pollution. The supporting text of Policy DM10 states that a separation distance of 18-21 metres is ordinarily sufficient to mitigate

against direct overlooking and therefore 18 metres between clear glazed windows, as a minimum, are required in this instance. Paragraph 6.80 of the supporting text states “A minimum separation of 18-21m between directly facing habitable room windows on main rear elevations is a best practice ‘yardstick’ in common usage and should be applied flexibly, dependent on the context of the development to ensure that development is provided at an acceptable density in the local context”.

#### Overlooking and outlook

8.49 The upper floor south west facing windows of the residential units would be approximately 18 metres from the upper floor rear elevations of Astral House at their closest point, whilst the deck access between the habitable room windows would be less than 18 metres (reducing the separation to approximately 15.5m). Having regard to the supporting Paragraph 6.81 of the Croydon Local Plan 2018, it states that the 18-21m is “between habitable room and habitable room as opposed to between balconies or terraces or between habitable rooms and balconies/terrace.” As the yardstick specifically excludes balconies and terraces, officers consider a deck access walkway should be treated in the same way as a ‘balcony’ for the purposes of applying the ‘yardstick’. Whilst occupiers would generally be idle on balconies and terraces, those using the deck access walkway will be travelling to and from their flats and would therefore potentially have less of an impact than users of a balcony or terrace. As a result, such an arrangement would not result in significant overlooking or loss of privacy to the detriment of the neighbouring properties, on balance.

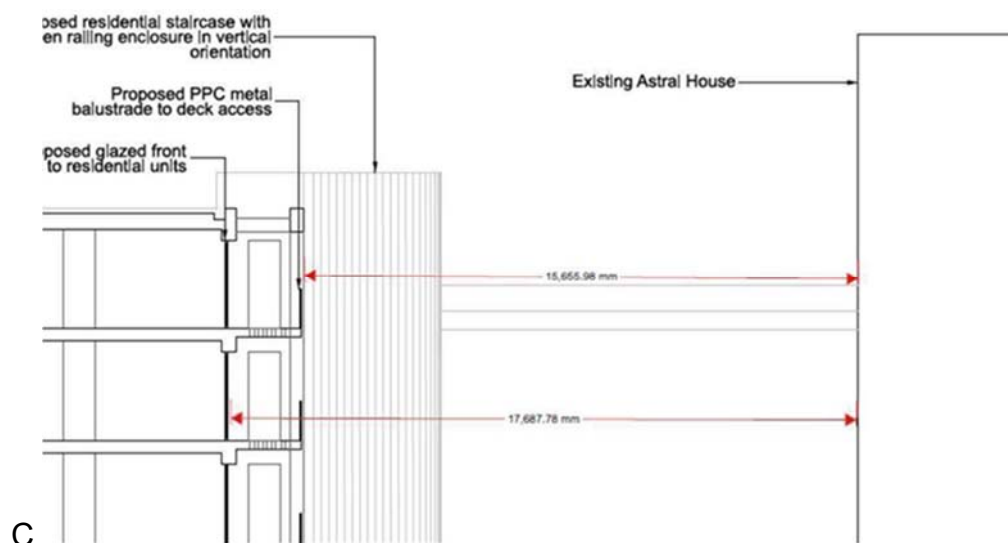


Image 4: Distance to neighbouring properties

8.50 Furthermore, the separation distances are unlikely to result in significant light pollution to the surrounding properties and would not have a significantly overbearing impact upon the residents of 1270 London Road or Astral House. Furthermore, the height, quantum and massing of the development would not appear unduly overbearing or visually intrusive upon the adjacent properties to warrant the refusal of permission.

#### Daylight and sunlight

8.51 The proposed building, at 5-storeys in height, would be quite tall and the lower levels of Astral House would not achieve a “25 degree” vertical angle between the existing and proposed residential units. However, the proposed building will sit north west of Astral House and the proposed building will provide a separation distance of in excess of 15 metres from the rear wall of Astral House. In order to justify the development, the submission has included a Daylight and Sunlight Assessment. See Appendix 1 for BRE

sunlight and daylight definitions. The assessment measures the impact of the development on the following properties: 1270 London Road and Astral House.

#### *1270 London Road*

- 8.52 With regards to 1270 London Road, three of the windows would suffer a minor adverse impact with regards to Vertical Sky Component (VSC) (the worst being a 25% VSC reduction when 20% is BRE compliant) which is considered reasonable.
- 8.53 With regards to Daylight Distribution (the no skyline test) into the neighbouring properties, there would be no transgressions to 1270 London Road.
- 8.54 With regards to Annual Probable Sunlight Hours (APSH), BRE guidance recommends that applicable windows should receive a minimum of 25 percent of the total annual probable sunshine hours, to include a minimum of 5 percent of that which is available during the winter months between 21st September and 21st March. However, if this is not possible (or sunlight is already reduced due to existing obstructions), a further reduction in sunlight availability will be noticeable to an occupier if the available sunlight is less than 0.8 times its former value prior to the development. Having regard to the windows placements, the Daylight and Sunlight Assessment states that there is no requirement for windows that face within 90 degrees of due north to be tested so windows that fall into this category have not been considered within the sunlight calculations. It concludes that all windows within 1270 London Road either pass or orientated in a northerly direction and therefore they consider that there would be no material sunlight impact from the proposed development which Officers consider to be accurate.

#### *Astral House*

- 8.55 With regards to Astral House, a total of 26 windows would suffer transgressions, with 24 minor to moderate adverse impact and two windows suffering a major adverse impact (so a reduction in VSC greater than 40%). However, these two windows are slightly below the moderate threshold of 0.6 (being 0.58 and 0.59 respectively) and it is expected that meeting BRE guidance in an urban location such as this would be challenging. The BRE guidance states that in areas '*with modern high-rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.*'
- 8.56 The Daylight and Sunlight Assessment concludes that the 'mean' VSC for the lower floors of Astral House would be 14.92 for the basement level, over 18 for the ground floor and over 22 for the first floors. The worst affected window would be a north east facing bedroom window at basement level which would have a VSC of 12.88 retaining 58% of its former value which, whilst low, is very close to a teen-VSC which is generally considered acceptable in urban locations. Given that this is a basement window, any further development or increase in height on the site in question would have an impact and this needs to be weighed in the planning balance.
- 8.57 With regards to Daylight Distribution (NSL) there would be 16 transgressions to Astral House with two basement level windows being most affected. One of these windows would serve a bedroom and the other is understood to retain Daylight Distribution across nearly half of the floor area which the assessment considers would not be unusual for an urban location. The overall impact upon Astral House generally decreases as you move up through the building, with the Daylight and Sunlight Assessment concluding that no room retains less than 50% of Daylight Distribution across the floor area. The Daylight and Sunlight Assessment concludes that the results



are considered to be acceptable for a development in a location of this nature and Officers concur with this view.

- 8.58 With regards to Annual Probable Sunlight Hours (APSH), all windows within Astral House either pass or are orientated in a northerly direction and therefore there would be no material sunlight impact from the proposed development.
- 8.59 There are no neighbouring external amenity spaces that require testing in terms of sunlight.
- 8.60 In conclusion, whilst there would be minor impacts to the occupiers of 1270 London Road, there would be some major adverse impacts to a limited number of occupiers within Astral House. This needs to be given weight in the planning balance.

Noise and disturbance

- 8.61 Although the introduction of the development to the rear of Astral House would generate some noise, the site is located within a built-up urban area surrounded by a mix of commercial and residential properties. It is considered that the introduction of 20 new homes with the resulting separation distances between the existing and proposed buildings would not cause significant undue noise and disturbance to the detriment of the surrounding properties; particularly with the private amenity spaces of the nursery and the residential units all facing north towards Norbury Hall Park as opposed to the neighbouring buildings.
- 8.62 The nursery use would be conditioned to operate during reasonable hours and through a condition restricting the number of children using the outdoor amenity space associated with the nursery. The Council's Environmental Health Team consider these conditions in addition to suitable noise mitigation measures being secured (with the noise assessment conditioned) would ensure there would be no significant noise and disturbance to existing to future residents in the locality to conform to Policy D13 of the London Plan 2021.
- 8.63 With regards to the communal play space, there would be opportunities to provide detailed planting within this area which would add visual interest and provide a welcoming space to an area currently used for parking of vehicles. It is not considered that the use of this space by future residents would result in significant or harmful noise and disturbance to neighbouring occupiers. This area is already used for parking of vehicles and it is not considered that the continued use of part of the central area between Astral House and the new development would result in an increase in noise and disturbance on that basis. With regards to the long stay cycle and refuse storage, this would be located within the main building footprint and would not have any harmful impact upon the character of the area or neighbouring amenity. The short stay spaces would be within the soft landscaped area and will be offered a degree of natural surveillance to this area by the proposed dwellings and the properties within Astral House. As such, it is not considered that the proposed development would result in an increase in crime and anti-social behaviour. Details of external lighting could be secured via condition to ensure that the proposal increases this surveillance whilst ensuring that it would not result in significant light pollution.
- 8.64 It is acknowledged that with any new build, there is likely to be limited disturbances and inconveniences for neighbouring properties during the construction period. However, the refusal of planning permission based on construction impacts alone cannot be justified. A Construction Logistics Management Plan can be secured

through condition which would seek to protect neighbouring amenities as far as possible during this time. In addition, under the Control of Pollution Act 1974, the Council has a Construction Code of Practice which sets out when construction and demolition work can occur, and it is not expected that works will be permitted to take place out of these hours. This would be placed as an informative (in the event planning permission is granted) and is enforceable under Environmental Health legislation.

- 8.65 Overall, any potential amenity impacts on neighbouring occupiers are considered to have been adequately mitigated by the proposed separation distances between neighbouring properties and mitigation measures that can be secured by planning condition. Whilst daylight and sunlight transgressions have been identified, this must be considered in the planning balance against the benefits of the scheme.

### **Access, parking and highway impacts**

- 8.66 Policy T5 of the London Plan 2021 and Policies SP8, DM29 and DM30 of the Croydon Local Plan 2018 seek to promote development which makes full use of public transport, cycling and walking; does not have a detrimental impact on highway safety for pedestrians, cyclists, public transport users and private vehicles; does result in a severe impact on local transport networks; reduces the impact of car parking; provide car and cycle parking spaces as set out in the Local Plan and ensures that cycle parking is designed so that it is secure.

- 8.67 Policy T6 of the London Plan states that an absence of local on-street parking controls should not be a barrier to new development, and boroughs should look to implement these controls wherever necessary to allow existing residents to maintain safe and efficient use of their streets.

#### *Access into the site*

- 8.68 There is an existing access road into the site which serves the rear of Astral House and has an existing undercroft and this will continue to serve the proposed development. The latest drawings include a vehicular and pedestrian gate set back from the edge of London Road which would prevent vehicles entering the site during pick-up and drop-off times at the ground floor nursery. This arrangement would prevent vehicles from entering the site and would also safeguard safety for the children, parents and residents walking within the site. A Travel Plan would be secured by condition in relation to the operation of the nursery and will encourage sustainable transport options.

#### *Parking arrangements*

- 8.69 The site is located in an area with a PTAL rating of 3 however, it is in close proximity to higher PTALs. The site is not within a Controlled Parking Zone (CPZ) however it is less than 400m south of the current Norbury CPZ Permit Zone boundary and the site currently has off-street parking provision to the rear of Astral House. To justify that the development would not have a significant implication on the wider parking facilities in the vicinity, the applicant has provided a Parking Stress Survey which demonstrates that there is an average parking stress of 91% in the surrounding residential streets excluding the existing Red Route. However, this reduced to 77.5% when considering the inclusion of Red Route and other areas of parking which were discounted from the originally surveyed area. The site is in an accessible location and there are good public transport options and this proposal seeks to provide two car club spaces within the wider site to the rear of Astral House. It is also noted in the Transport Report that

existing car ownership data (47%) suggested a worst case scenario of 9 cars that might be expected to park overnight. Given the level of available parking on the surrounding roads, this would suggest that Red Route parking would be the only viable option. On the basis that there is a 19:00 – 07:00 parking restriction in this location, it is considered that this is very likely to deter future occupants from owning a private vehicle. The applicant has confirmed that a Welcome Pack would be given to any future occupants of the residential units that would set out the public transport, walking and cycle options for travel to and from the site. It is noteworthy that the two car club spaces, having regard to data from COMO Ltd, would have the effect of offsetting the need for 10 car parking spaces each (so 20 in total). This would cover the suggested worst case scenario of 9 car overspill. Given the current occupants of Astral House do not currently use the parking area, it is considered that the provision of these spaces would help prevent potential significant parking overspill resulting from this development. To further prevent potential additional parking stress in this location, the Council would ensure that future occupants would not be able to apply for parking permits should the Norbury CPZ Permit Zone be extended southwards or any other CPZs are put in place locally, controlled as part of a Section 106 Agreement. Additionally, Officers would expect a high quality Travel Plan to be provided which could be secured by planning condition.

8.70 With regards to the use of the existing parking spaces within the site, the applicant has confirmed that Criterion Hospitality staff (staff of the freeholders) occasionally use the spaces on an 'ad-hoc' basis. As such, the formal implementation of the car club spaces with an agreement with a specific car club would not displace any vehicles associated with existing residents of Astral House. The applicant has further confirmed that, although the spaces were approved previously shown for car club use under application reference 14/04863/P and the subsequent approval of details (reference 15/04832/RES), it is understood that the existing parking spaces on site have not been used for car club purposes since the development associated with these applications were implemented. Under the current submission, there is a mechanism to secure the use of the car club spaces as shown on the submitted plans, to be used for this purpose and such an arrangement is proposed to be secured as part of a legal agreement. Furthermore, the applicant is willing to accept a pre-occupation condition demonstrating a contractual agreement with a car club operator to give Officers comfort in this regard and this is recommended.

8.71 The proposed parking area immediately adjacent to Astral House would provide parking for up to five vehicles which includes two car club spaces and three blue badge spaces. The current arrangement has two hatched areas for transfer between the three blue badge spaces and this arrangement is shown to be replicated on the proposed site layout plan. Whilst the spaces to be retained would not provide hatched transfer areas on both sides of all of the parking spaces, it would not be significantly different than the existing arrangement of the spaces depicted in the photo below. Furthermore, there is a pedestrian walkway to the south east of the end space and the Strategic Transport Officers have confirmed that this could be at grade with the car parking space. Whilst not shown to be hatched, this level area could allow safe transfer from the blue badge space and Officers consider that this arrangement would be considered acceptable, on balance.



*Image 5: Existing parking layout*

- 8.72 As a result of this development, the latest submitted drawings show that there would be one additional disabled parking space to serve the proposed development. However, whilst this would fall short of the 10% blue badge parking required by London Plan Policy T6, the resulting wider provision within the site for a total of three blue badge spaces which would have the ability to serve the proposed development and Astral House. There is an opportunity to formalise the parking arrangements for both the new development and Astral House and, given the betterment that would result in this regard based on the current arrangement and that shown on the extant permission, it is considered that the proposed quantum of spaces to serve the development would be acceptable, on balance. The application would be subject to a condition which requires the parking spaces to provide 20% active and 80% passive Electric Vehicle Charging Points (EVCPs) and the parking layout shown on the submitted drawings would be secured in perpetuity.
- 8.73 The applicant has submitted swept path analysis for the parking spaces and access into the site which shows that the manoeuvre required to be able to turn on site would be acceptable. The Council consider that the proposed access width, the delineated pedestrian route and the proposed visibility splays would be considered acceptable subject to a condition restricting the height of any obstructions within the visibility splays being kept below 0.6m in height. As such, the development is considered to be acceptable from a highway and pedestrian safety perspective.
- 8.74 Given the location of this site, a Section 106 Agreement or Unilateral Undertaking would be required to be entered into to remove access to resident on street parking permits (should a Controlled Parking Zone be introduced in the surrounding roads) and contracts in council run car parks for all units. This would also secure £1,500 per unit towards improvements to sustainable transport including, but not limited to, on street car clubs with EVCP's as well as EVCP's in general as per policies in the Local Plan. Funding could also contribute towards the extension and improvements to walking and cycling routes in the area. Membership of a car club if this application is approved, is to be secured for 3 years. In addition to this, a Footway / Carriageway Condition Survey is required to be submitted prior to a start of works at the site, with photographs of all areas and a brief report identifying any existing issues. Transport for London (TfL) have requested that deliveries are scheduled outside of network peak hours of 08:00 – 10:00 and 16:00 – 18:00 and these details can be provided within a Delivery and

Servicing Plan (DSP) and Construction Logistics Plan (CLP) which would be secured by planning condition.

#### Cycle Parking

8.75 With regards to cycle storage provision for the nursery use, the proposal seeks to provide a total of seven cycle lockers adjacent to the pedestrian pathway to the nursery. In terms of the proposed cycle parking for the residential element, there would be a total of 38 cycle parking spaces within the store with 34 provided on the two-tier cycle rack and 4 spaces via Sheffield stands. The quantum of provision would meet the requirements of Policy T6 of the London Plan 2021. Whilst the Council would prefer a greater proportion of Sheffield stand provision, there is insufficient space to increase the size of the store or provide additional Sheffield stands within the bike store. The proposal also includes two Sheffield stands within the smaller communal space close to the entrance of the new building which would be well overlooked and could allow for the storage of wider/adapted bikes with a clear 1.5m width on the side of the stand. Therefore, officers consider that the cycle provision would be in general accordance with the London Cycle Design Standards and Cambridge residential cycle design standards, and also conform to the provisions of Policy T5 of the London Plan 2021 and Policies SP8, DM29 and DM30 of the Croydon Local Plan 2018.

#### Refuse and Recycling

8.76 Policy DM13 of the Croydon Local Plan 2018 requires development to sensitively integrate refuse and recycling facilities within the building envelope, or within landscape covered facilities located behind the building line; ensure facilities are visually screened; provide adequate space for the temporary storage of waste materials generated by the development; and ensure facilities are safe, conveniently located and easily accessible by occupants, operatives and their vehicles.

8.77 The submission states that the refuse/recycling will be collected by the Council's waste contractor who are able to drive into the site via the undercroft serving Astral House. The Council's Waste Team have confirmed that they will collect in this matter by reversing into the site in the same way they currently do to service the bins for the existing building. The application submission includes vehicle tracking diagrams which show that the refuse collection vehicle is able to enter the site by a reversing manoeuvre and exit the site in a forward gear, and in a safe manner. This will be the same as currently takes place. For completeness, tracking diagrams have also been included for a refuse vehicle to enter in a forward gear, turn on site (noting it is a tight manoeuvre but is possible) and exit in a forward gear.

8.78 The distance between the communal bin store and the collection vehicle is within 20 metres which is sufficient to allow the Council's Waste Collection Team to collect the waste from the site.

8.79 The commercial refuse associated with the nursery use would be collected by a private waste collector and this arrangement would be considered acceptable subject to a Refuse Management Plan being submitted and approved by the Council and this could be secured by planning condition. The communal refuse store would be located within the main building footprint and, given the size of this and the access arrangements proposed to this store, it is considered that the development would conform to the provisions of Policy DM13 of the Croydon Local Plan 2018.

#### **Trees, landscaping and biodiversity**

- 8.80 Policy G5 of the London Plan states that major development proposals should include urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.
- 8.81 The application includes several soft landscaping enhancements such as a total of 12 trees, boundary/peripheral planting, wall climbing plants, and a green roof on the main building to further enhance soft landscaping within the site as well as achieve urban greening. The applicant has also provided an Urban Green Factor calculation demonstrating that the development would achieve 0.401 which would conform to London Plan Policy G5.
- 8.82 Policy G7 of London Plan states that development proposals should ensure that, wherever possible, existing trees of value are retained. Croydon Local Plan Policy DM28 requires developments to accord with the recommendations of BS5837 2012 (Trees in relation to design, demolition and construction) or equivalent and seeks to avoid the loss or the excessive pruning of preserved trees or retained trees where they contribute to the character of the area and avoid the loss or deterioration of irreplaceable habitats, including ancient woodland, hedgerows and veteran trees.
- 8.83 The proposed development would not result in the removal of any on-site trees however the development would be close to the Root Protection Areas (RPAs) of trees outside of the site. The application includes a Tree Survey, Arboricultural Survey Impact Assessment and Method Statement and these have been assessed by the Council's Tree Officers who have confirmed that no objection is raised given the findings of this report and the measures proposed. As such, the proposed development would conform to the provisions of Policy DM28 of the Croydon Local Plan 2018 with regards to tree protection. Compliance with the measures detailed in the submission with regards to pruning of trees to facilitate the development would be secured by planning condition.
- 8.84 The NPPF, updated in December 2023, in Chapter 15 (Conserving and enhancing the natural environment), paragraph 180d states that "provide net gains for biodiversity" within the design of the scheme. Local Plan Policy DM27 requires proposals to a) Incorporate biodiversity on development sites to enhance local flora and fauna and aid pollination locally; b) Incorporate biodiversity within and on buildings in the form of green roofs, green walls or equivalent measures; c) Incorporate productive landscapes in the design and layout of buildings and landscaping of all major developments; d) Have no adverse impact on land with biodiversity or geo-diversity value. Policy G6 of London Plan states that LPAs should support the protection and conservation of priority species and habitats and, where possible, seek opportunities to create other habitats, or features such as artificial nest sites, that are of relevance and benefit in an urban context.
- 8.85 The submission includes a Bat Scoping Survey and Biodiversity Net Gain Report that has been assessed by the Council's Ecological Consultants and they have confirmed that they are satisfied the submission provides certainty for the Officers that the likely impacts on designated sites, protected and Priority species and habitats, and that appropriate mitigation measures can be secured. They consider that the mitigation measures identified in the Bat Scoping Survey should be secured by planning condition and implemented in full in order to conserve and enhance protected and Priority species particularly bats. They also support the proposed reasonable biodiversity enhancements of bats boxes, greens roofs, tree planting and new native hedgerow

which have been recommended by the Bat Scoping Survey and Biodiversity Net Gain Report in order to secure net gains for biodiversity. Furthermore, any external lighting would need to be sensitive to such matters in order to minimise any impacts and suitable measures and therefore low lighting levels, warm white lights, motion sensors or timers to avoid the amount of 'lit-time' and mitigation to prevent horizontal spill (e.g. cowls, hoods, reflector skirts or shields) would be ensured as part of any external lighting strategy condition. Subject to relevant planning conditions, the Council's Ecology Consultants are satisfied that there is sufficient mitigation measures could be secured by a condition in order to conform to the provisions of the NPPF (updated December 2023), Policy DM27 of the Croydon Local Plan 2018 and G6 of the London Plan.

## **Environmental**

### Flood risk

- 8.86 Policy S112 of the London plan states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy S113 of the London plan states development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible using rainwater attenuation. Policy DM25 of the Croydon Local Plan states that sustainable drainage systems are required in all development.
- 8.87 The site is located in Flood Zone 1 however the site is at high risk of surface water flooding. The development would not significantly extend the built footprint into undeveloped space within the site given the presence of the existing built footprint. It seeks to provide less hard landscaping (currently used for parking) and re-provide soft landscaping to be used as communal play space. The application does include a Flood Risk Assessment which states that the post-development run off rates will be discharged to a surface water sewer via a pumped connection to the Thames Water sewer within London Road. Thames Water have approved the proposed 1l/s discharge rate of surface water. The flow into the sewer will be via gravity from SW1.4 along a 150mm diameter gravity drain at 1:150 gradient, with the proposed pump upstream of this within the site. This will therefore provide the gravity discharge to the sewer which Thames Water have approved. The pumped strategy has been assessed by the Local Lead Flood Authority (LLFA) and this would meet the LLFA requirements however some clarifications and additional information are still required. These can be provided in a suitable condition which would cover the submission of an updated drainage strategy report to be provided as well as the final strategy and point of connection to the Thames Water sewer system. Furthermore, additional details will need to be submitted providing a site-specific management and maintenance plan for the pump station.
- 8.88 In addition to the pumped strategy approach, on-site attenuation will be provided by a geo-cellular underground tank. The appropriate surface water management condition would also secure confirmation of the dimensions of the proposed attenuation tank, the final drainage layout drawing and supporting hydraulic calculations as well as details of the green roof and permeable paving being proposed. Given the level of flood risk identified and the mitigation measures that can be put in place, the Council are satisfied that the development would be acceptable from a flood risk perspective subject to the flood risk mitigation measures mentioned above being secured by planning condition.

### Sustainability and energy

8.89 Policy SI3 (Energy Infrastructure) of the London Plan 2021 requires developments to minimise emissions through the use of energy and Policy SP6 of the Croydon Local Plan requires development to make the fullest contribution to minimising carbon dioxide emissions in accordance with the London Plan energy hierarchy. The application submission included an Energy Statement which demonstrates the total emissions for the residential and non-residential uses and each stage of emissions reduction for the development. The figures contained within the report have been assessed by the Council's Sustainability Team and they have confirmed that the development would require a carbon offset payment of £17,670 which would be secured as part of a Section 106 Agreement.

#### Water Usage

8.90 The proposed dwellings should ensure that a minimum water efficiency standard of 110 litres/person/day as set out in Building Regulations Part G is met. Compliance with this would be secured by planning condition.

#### Air quality

8.91 Policy SI1 (Improving Air Quality) requires development to tackle poor air quality, protect health and meet legal obligations set by Government. Policy DM23 of the Croydon Local Plan 2018 seeks to ensure that new developments are air quality neutral and mitigation measures are put in place to reduce pollutants to acceptable levels. The application submission included an Air Quality Assessment which has been assessed by the Environmental Health Team who have confirmed that they are satisfied with the proposal provided the recommendations contained within the Air Quality Assessment are adhered to. In addition to this, the Council require an air quality contribution of £2,000 (equating to £100 per new dwelling) to increase the air quality fund used by the Council to mitigate against any further erosion of air quality in the Borough.

#### Land Contamination

8.92 Policy DM24 of the Croydon Local Plan 2018 states *'The Council will permit development proposals located on or near potentially contaminated sites, provided that detailed site investigation is undertaken prior to the start of construction in order to assess: a. The nature and extent of contamination; and b. The production of landfill gases and the potential risks to human health, adjacent land uses and the local environment.'*

8.93 The site, which is occupied by an existing building formerly used by the British Legion, has the potential to be on contaminated land. The submission has included a Geo-Environmental Risk Assessment in relation to Contaminated Land and the Council's Contaminated Land Consultant has reviewed this. They consider that, given the sensitivity of the proposal and the history of the site, such matters would need to be addressed prior to the commencement of the development. However, the Contaminated Land Consultants consider that such matters are able to be addressed post decision and secured by planning condition in order to conform to Policy DM24 of the Croydon Local Plan 2018.

#### **Other planning matters**

8.94 Croydon Local Plan (2018) policy SP3.14 and the Planning policy including the adopted Section 106 Planning Obligations in Croydon and their Relationship to the Community Infrastructure Levy – Review 2017 sets out the Councils' approach to delivering local employment for development proposal. A financial contribution and an



employment and skills strategy would be secured as part of the legal agreement for both construction and operational phases.

8.95 Third party comments refer to the impact of the development upon existing local services; including doctor/GP availability, public transport and other local services. The proposal seeks to provide 20 additional residential units which is not considered to result in a significant impact upon the availability of existing local services to sufficiently warrant the refusal of permission. In addition, the proposed development would be liable for CIL payments which would contribute to the delivery of local infrastructure.

## **Conclusion**

8.96 The proposed development, would provide 20 good quality homes, including 40% as family sized homes, of which 15% are affordable homes on a sustainable brownfield site with very good access to public transport, local shops and services. The proposed development would provide a space that would be available for use by the community (a children's nursery) and would bring an active use to a currently vacant site. The proposed development has a contextually responsive form and is of high architectural quality, with a significantly improved central courtyard area between existing buildings which is currently a car park. This would improve the soft landscaping, urban greening and biodiversity within the site whilst bringing an active use to an area which is currently under-utilised as car parking. The provision of cycle storage would encourage sustainable travel and active/health lifestyles both for residents of the development and those using the nursery. The proposed development would improve sustainable transport options, through the provision of on-site car club. The development would result in a betterment of surface water flooding performance given the increase in soft landscaping and the removal of predominantly tarmac hard landscaping. Employment and training opportunities would be secured via a Section 106 Agreement which would include an appropriate proportion being made available to Croydon residents.

8.97 The positives of the scheme need to be weighed against areas of harm and policy non-compliance, notably the impact upon daylight to the neighbouring properties to the south west in Astral House and the daylight to the third floor bedrooms of the new development. The proportion of family homes at 40% does fall short of the 60% requirement for this location. The quantum of blue badge car parking spaces would be slightly lower than the required standards and the cycle parking mix does not fully align with the guidance contained within the London Cycle Design Guide.

8.98 All other relevant policies and considerations, including the statutory duties set out in the Equalities Act 2010, the Human Rights Act, the Planning and Compulsory Purchase Act, and the Town and Country Planning Act, have been taken into account. Given the consistency of the scheme with the Development Plan and weighing this against all other material planning considerations, the proposal is considered to be acceptable in planning terms subject to the detailed recommendation set out in section 2 (RECOMMENDATION).

## Appendix 1: BRE 2022 Daylight/Sunlight Guidance Terms

### Daylight to existing buildings

The BRE Guidelines stipulate that the diffuse daylighting of the existing building may be adversely affected if either:

- the vertical sky component (VSC) measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value (or reduced by more than 20%), known as the “VSC test” or
- the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value known as the “NSL test” (no sky line).

### Sunlight to existing buildings

The BRE Guidelines stipulate that the sunlight of an existing window may be adversely affected if the centre of the window:

- receives less than 25% of annual probable sunlight hours (APSH), or less than 5% of annual winter probable sunlight hours between 21 September and 21 March (WPSH); and
- receives less than 0.8 times its former sunlight hours (or a 20% reduction) during either period; and
- has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

If one of the above tests is met, the dwelling is not considered to be adversely affected.

### Daylight to new buildings

The vertical sky component (see above) may be used to calculate daylight into new buildings.

For daylight provision in buildings, BS EN 17037 provides two methodologies. One is based on target illuminances from daylight to be achieved over specified fractions of the reference plane for at least half of the daylight hours in a typical year. One of the methodologies that can be used to interrogate this data is Spatial Daylight Autonomy (sDA).

The Spatial Daylight Autonomy (sDA) seeks to establish how often each point of a room’s task area sees illuminance levels at or above a specific threshold. BS EN 17037 sets out minimum illuminance levels (300lx) that should be exceeded over 50% of the space for more than half of the daylight hours in the year. The National Annex suggest targets comparable with the previous recommendations for Average Daylight Factor (ADF). The targets considered relevant for this application are:

- 100 lux for bedrooms
- 150 lux for living rooms
- 200 lux for living/kitchen/diners, kitchens, and studios.

Paragraph C17 of the BRE states that *“Where a room has a shared use, the highest target should apply. For example in a bed sitting room in student accommodation, the value for a living room should be used if students would often spend time in their rooms during the day. Local authorities could use discretion here. For example, the target for a living room could be used for a combined living/dining/kitchen area if the kitchens are not treated as habitable spaces, as it may avoid small separate kitchens in a design”.*

### Sunlight to new buildings

The BRE guidelines state that in general, a dwelling or non-domestic building which has a particular requirement for sunlight, will appear reasonably sunlit provided that:

- At least one main window faces within 90 degrees of due south, and
- a habitable room, preferably a main living room, can receive a total of at least 1.5 hours of sunlight on 21 March. This is assessed at the inside centre of the window(s); sunlight received by different windows can be added provided they occur at different times and sunlight hours are not double counted.

#### Sunlight to gardens and outdoor spaces

The BRE guidelines look at the proportion of an amenity area that received at least 2 hours of sun on 21st March. For amenity to be considered well sunlight through the year, it stipulates that at least 50% of the space should enjoy these 2 hours of direct sunlight on 21st March.