



Appeal Decision

Hearing held on 14 April 2016

Site visit made on 14 April 2016

by L Gibbons BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 May 2016

Appeal Ref: APP/L5240/W/15/3087239

Former SG Smith Dealership, 409-411 Beulah Hill, Norwood SE19 3HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Robin Leahy (Lidl UK GMBH) against the decision of the Council of the London Borough of Croydon.
 - The application Ref 14/04434/P, dated 20 October 2014, was refused by notice dated 19 February 2015.
 - The development proposed is the demolition of existing buildings; erection of two/three storey building comprising a retail foodstore at ground floor (984m² sales area) and 7-2 bed flats and 2 3-bed flats at first floor/second levels; closure of Beulah Hill vehicular access and provision of 38 associated car parking spaces.
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Decision

1. The appeal is allowed and planning permission is granted for is the demolition of existing buildings; erection of two/three storey building comprising a retail foodstore at ground floor (984m² sales area) and 7-2 bed flats and 2 3-bed flats at first floor/second levels; closure of Beulah Hill vehicular access and provision of 38 associated car parking spaces at Former SG Smith Dealership, 409-411 Beulah Hill, Norwood SE19 3HD in accordance with the terms of the application, Ref 14/04434/P, dated 20 October 2014, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters

2. At the Hearing, the Council and appellant confirmed that the description of development of the residential accommodation as set out on the Council's decision notice and appeal form was incorrect. For the sake of clarity I have used the description of development agreed at the Hearing and as shown on the plans, which clarified that this part should refer to 7 2-bed flats and 2 3-bed flats and not 9 2-bedroom flats.
3. As part of the appeal process, the appellant submitted amended drawings in December 2015. These were to reflect changes to cycle parking requirements. The Council do not object to these amendments which it considers are minor changes and the changes were discussed at the Hearing. I am satisfied that no-one with an interest in the appeal would be prejudiced by my taking these plans into account. I have therefore determined the appeal on the basis of the amended plans.

4. The Council's decision notice refers to Policy UD1 of the Croydon Replacement Unitary Development Plan (The Croydon Plan) 2006. However, the Council confirmed that UD1 is not a saved policy and is not relevant to the determination of the appeal. I have dealt with the appeal on this basis.
5. Although the London Plan referred to in the Council's decision notice has been superseded by the Minor Alterations to the London Plan (MALP) 2016, the relevant policies remain unchanged.

Main Issue

6. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Norwood Grove Conservation Area.

Reasons

7. The appeal site is located within the Norwood Grove Conservation Area. The Conservation Area is large and includes Norwood Grove Park which is a registered Park and Garden and has a panoramic view of Croydon. The Conservation area consists of three defined areas as set out in the Norwood Grove Conservation Area Appraisal and Management Plan (CAA&MP) 2014. Generally, the three areas vary in nature.
8. The appeal site is within the St Joseph's College Sub Area. This includes St Joseph's College which is the most prominent feature. The campus includes teaching buildings and open spaces associated with its educational use. The sub area also includes shops which lie within the Borough at its northern boundary with Lambeth. There is a covered Victorian reservoir which is laid to grass to the west of the appeal site. The density of development is varied as a result of these features. Overall, the character of the Conservation Area of the sub area is very mixed.
9. This mixed character is reflected in the appearance of buildings which include some Georgian features in the college, with an Edwardian local listed chapel and modern college teaching blocks. There are houses of differing ages and designs ranging from Victorian terraces at 270-304 Beulah Hill to more modern properties and blocks of flats. To the north of the appeal site on the corner of Crown Lane and Beulah Hill is a terrace of commercial Victorian two storey properties which have a variety of uses, including some residential above. To the south of the appeal site is Glencar Court which is a fairly recent development of a block of flats.
10. The range of materials is also extensive and includes brick and render as well as some modern materials. The design of the properties in the area is such that there is a range of horizontal features including visual separation of floors on the properties on the north side of Crown Lane and Beulah Hill. There are also vertical features, for example bay windows on the terrace opposite the appeal site on Beulah Road. Building heights range from two storeys to three storeys with accommodation in the roof and four storeys.
11. The site has an unusual I-shape with entrances on Beulah Hill and Crown Lane which is to the north. The existing building on the site consists of the former car showroom and a workshop. This is a fairly large, single storey building with differing design, a mix of flat and pitch roofs and it has a commercial appearance. The rest of the site is given over to access and parking areas. It

is a large site and I accept that it is an important feature in this part of the Conservation Area.

12. However, the appeal site is identified in the CAA as being a detracting feature of the Conservation Area. The Council accept the principle of the demolition of the existing buildings and I see no reason to disagree with this matter. In terms of the character of the Conservation Area, I consider that the proposed use would be suitable taking into account the former use of the site and the considerable variety of uses.
13. The proposed building would have a very modern appearance, particularly on the Beulah Hill frontage. Page 22 of the Council's Conservation Area General Guidance Supplementary Planning Document (CAGG) refers to a contemporary approach being acceptable, although it must integrate appropriately with the historic environment and special character of the Conservation Area. Although the Council do not object to the principle of a modern building, it refers to the design of the building being driven mainly by the need to accommodate a food store layout and not by the qualities of the Conservation Area. I note that the proposed store would not result in the standard layout and that the requirement for residential accommodation has also affected the design. Modern buildings are not uncommon in the wider area, including a recent development south of the appeal site both on the opposite side of Beulah Hill and in the form of Glencar Court.
14. The ground floor retail unit would have an area of glazing facing Beulah Hill with a pedestrian entrance set back from the pavement. The residential accommodation on the floors above would have balconies level with the main façade. Due to their design, the flats would have a mainly horizontal emphasis and the set back of front elevation and columns would be sufficient to add interest to the facade. On the south east corner of the building would be the entrance to the flats, this would have an area of glazing which would provide an element of verticality to the structure. This mix of vertical and horizontal features would be suitable given these are all found within the area.
15. The Council considers that the south east corner of the building would be dominant as it would project forward of Glencar Court and have an overbearing impact on the street scene. However, the proposed scheme would have a similar building line as Nos 413 and 415 Beulah Hill and terrace to the north along the Beulah Hill frontage. The rest of the front elevation would provide some relief to the building's proximity to the pavement. In any event, tall buildings close to the pavement are to be found in the area and the proposal would be seen in this context. The bulk of the building would not be out of character with the larger buildings close by including Glencar Court and the teaching blocks of the College. The height of the proposed building would also serve to screen the unattractive flank wall of Nos 413 and 415 and this would result in an enhancement to the street scene.
16. There are some trees close to the southern boundary of the appeal site, which would provide some limited screening to the southern elevation. The Council are concerned about the effect of the development on the longer term health of these trees. However, I have not been provided with evidence to indicate that the proposed scheme would be detrimental in this respect. In any event, in important longer distance views from the south along Beulah Hill towards the

- south east corner of the scheme would be partially filtered by the strong eastern tree line within the college boundary.
17. The Council are concerned about the effect of the proposal on the small terrace of buildings to the north of Nos 413 and 415 and consider that they make a positive contribution to the Conservation Area. I accept that due to their age, the buildings are of some interest. However, they are fairly simple in design, with flat roofs and fairly small windows on the first floor. Some have narrow frontages and are in varying states of repair.
 18. The height of the proposed building would be below that of Glencar Court to the south and the roof would be level with the chimneys of Nos 413 and 415. Nos 413 and 415 would remain in place, acting as a transitional feature to the lower buildings on the corner of Crown Lane and Beulah Hill. There would be sufficient distance maintained between these buildings and the proposed scheme that it would not appear overly dominant. Although the width of the separate elevations of the flats would be wider than that of the terrace, it would not be sufficiently different to look significantly out of context with these buildings. Moreover, the proposed scheme would include materials such as white render and brick which would respect the materials found in these buildings.
 19. Opposite the appeal site on the north side of Crown Lane is the Grade II listed Chapel of the British Home and Hospital for Incurables. The British Home and Hospital for Incurables is also a locally listed building. I have had special regard to the setting of this nearby listed building. The appeal site is part of the wider setting of this building. The design of the northern elevation would be fairly simple, although it would incorporate some details in the form of arches and would be constructed in brick. The use of brick would complement the red brick of the British Home and Hospital for Incurables. Arches are found within the design of some buildings, including the College campus. The north elevation of the building would have a commercial appearance which would be reminiscent of the existing buildings on the site and would not look out of place in this mixed use area. The elevation would be located away from Crown Lane and this would ensure that the British Home and Hospital would retain its prominence in the street scene. I therefore consider that the proposal would preserve the setting of the listed building.
 20. The proposed scheme would introduce a boundary landscaping strip on the Crown Lane frontage. This would be an improvement to the street scene in this area, which is currently dominated by the flank walls of the terrace on the corner of Beulah Hill and Crown Lane and the metal railings of the reservoir. This landscaping would also serve to soften the appearance of the north elevation of the proposed building and would be reflective of the landscaping at the British Home and Hospital for Incurables. The residential accommodation would also incorporate soft landscaping in a communal area on the first floor which would be of benefit. The flat roofed modern buildings adjacent to the rear of the site which are part of the St Joseph's College campus would provide some context for the flat roof of the loading bay and warehouse in views from the west. The position of the car park on the northern side of the site would help retain the sense of spaciousness and openness associated with the reservoir.

21. In conclusion, the proposed scheme would result in the demolition of buildings which would be of benefit to the appearance of the Conservation Area. The use would be compatible with the character of the St Joseph's College Sub Area. The replacement scheme would be of a contemporary appearance. There is sufficient variety in the design of buildings in the Conservation Area that the proposal would be compatible with its surroundings. The building would contain design elements and materials which would respect the character and appearance of surrounding buildings. I consider that the scheme would result in an enhancement to this part of the Conservation Area and in regard to the Norwood Grove Conservation Area as a whole.
22. For the reasons given above, I conclude that the proposed scheme would preserve the character and enhance the appearance of the Norwood Grove Conservation Area. It would not be in conflict with Policies 7.4, 7.5, 7.6 and 7.8 of the MALP, Policies SP4.1, SP4.7, SP4.8 and SP4.13 of the Croydon Local Plan: Strategic Policies (CLP1) 2013 and saved Policies UD2, UD3 and UC3 of The Croydon Plan. These amongst other things seek new development which is of a high quality, respects the existing development pattern and proportions of surrounding buildings, is informed by the historic environment and which pays special attention to scale, height and massing in Conservation Areas. It would not be contrary to the CAGG or the CAA&MP. It would not be contrary to the National Planning Policy Framework (the Framework) in respect of the need for high quality design and conserving and enhancing the historic environment.

Other matters

23. The appeal site is located adjacent to a defined Shopping Parade (Croydon) and a Local Centre (Lambeth). The area includes a wide range of shops and services. The Framework seeks to ensure the vitality of town centres. Paragraph 24 of the Framework states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. As part of the planning application, the appellant submitted a Retail Assessment¹. This included a sequential test and sets out that there are no sequentially preferable sites. I have been referred to a potential alternative site currently in use as a petrol station. However, I have no information as to whether that site would be able to accommodate the proposed use.
24. Paragraph 26 of the Framework states that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment. The default threshold for an impact assessment is 2,500 sq m which would not be relevant in this instance. I accept that local businesses are concerned that the food store would affect trading and cause shops to close. A representative of local traders referred to the decline in local shops where similar food stores have been introduced. However, I have not been provided with any evidence to confirm that would be the case. The Council does not object to the proposal in terms of its effect on the Local Centre and based on the evidence before me, I see no reason to disagree with this matter.
25. Local residents are concerned about the effect of the proposal on traffic within the area, particularly in relation to the junctions of Crown Lane and Beulah Hill.

¹ Retail Assessment – Sequential Approach Marrons Planning October 2015

The proposal would ensure that vehicles including delivery vehicles could leave and enter the site in forward gear and turn right from Crown Lane. As part of the scheme, the nearby bus cage on Crown Lane would be moved further away from the junction and this would reduce the potential for conflict between buses and traffic coming into the site. Although there would be an increase in traffic on some days, this would not result in an increase which would have a detrimental impact. The Council and Transport for London do not object to the proposal and based on the evidence before me, I see no reason to disagree with this matter.

26. Residents and other interested parties have also raised concerns in respect of the effect of the proposed development on the living conditions of adjoining occupiers. Glencar Court would be some distance away from the southern elevation of the proposed scheme. Larger windows on this elevation would face towards the parking area of Glencar Court and other windows would be for non-habitable rooms or secondary windows. The proposal would not give rise to loss of privacy for the occupiers of Glencar Court. Due to the position of the proposed building in relation to the properties to the north, there would be no harmful effect in terms of outlook or loss of privacy.

Conditions

27. I have considered the conditions in the light of the tests set out in paragraph 206 of the Framework and the Planning Practice Guidance. Where necessary, I have amended the suggested conditions in order to comply with the tests. For the avoidance of doubt and in the interests of proper planning, a condition is necessary specifying the approved plans.
28. The Council suggested conditions which would be before commencement of development and before occupation of the development. I have amended the order of the conditions to reflect this. In order to protect the living conditions of the future occupiers of the residential accommodation a condition is needed in respect of sound insulation for windows. A condition is also needed in relation to ventilation.
29. In the interests of highway safety and the living conditions of adjoining and future occupiers, conditions are needed in relation to the submission of Delivery and Servicing and Car Park Management Plans and a Construction Logistics Plan. A condition is needed to ensure the re-positioning of the bus cage in Crown Lane. In order to protect the character and appearance of the area conditions are necessary in respect of external facing materials and for refuse, cycle and trolley storage and external mechanical plant. In the interests of sustainable development conditions are needed in relation to achieving an 'Excellent' rating for BREEAM, reduction in carbon emissions and a surface water drainage scheme. As the site has been in commercial use a condition is necessary relating to contamination.
30. In respect of other conditions, the Council suggested a condition relating to hard and soft landscaping works and this would be necessary in the interests of the character and appearance of the area. A condition relating to the noise mitigation for the external plant is needed to protect the living conditions of adjoining and future occupiers. In order to ensure sustainable transport measures conditions are needed in relation to a Travel Plan and electric vehicle charging points. It is also necessary to impose a condition which would ensure

the closure of the Beulah Hill access. In the interest of safety a condition is needed in relation to CCTV to be installed within and around the site.

31. At the Hearing it was agreed that the Council's suggested condition setting out construction hours would result in duplication as details of these hours would be submitted as part of the Construction Logistics Plan. I have therefore not included this condition.

Conclusion

32. The proposed scheme would provide jobs and make a contribution to the supply of homes within the area. These factors weigh in favour of the appeal proposal. I have considered all other matters, including a petition objecting to the proposal. However, I have found nothing to alter my conclusion that the scheme would preserve the character and enhance the appearance of the Norwood Grove Conservation Area and that the appeal should be allowed.

L Gibbons

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Mr C Young-Wooton	Appellant
Mr R Price Lewis	Counsel
Dr C Miele	Montague Evans LLP
Mr D Pritchard	Marrons Planning
Mr S Giles	Gateway TSP

FOR THE LOCAL PLANNING AUTHORITY

Ms R Clutten	Counsel
Cllr P Scott	Chair of Planning Committee, Croydon Borough Council
Mr T Gethin	Croydon Borough Council
Ms K Louis	Croydon Borough Council

INTERESTED PERSONS

Ms I Arnold	
Mr P Balcazar	
Mr J Burbage	
Mr A Earle	
Mr J Hickman	on behalf of North Croydon Conservation Area Advisory Panel and the Norwood Society
Mr Holding	
Ms S Izzet	
Mr R Lewis	
Mr L Mawson	
Ms J Richards	
Mr Sharp	
Ms A Viney	

DOCUMENTS AND PLANS SUBMITTED AT THE HEARING

- 1 List of representatives appearing on behalf of the Appellant
- 2 List of representatives appearing on behalf of the Council
- 3 Copies of revised plans submitted December 2015
- 4 Photomontages of proposed scheme submitted by the appellant

- 5 Submissions on behalf of the Appellant
- 6 Written Statement by Mr Hickman
- 7 Photographs of the area submitted by the Council
- 8 South Lakeland v SSE [1992] 2 AC 141
- 9 East Northants DC v SSCLG [2015] 1 WLR 45
- 10 Bath Society v SSE [1991] 1 WLR 1303
- 11 NPPF paragraphs 126,128-134, 137-138
- 12 PPG paras ID 18a-008 to 020

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: K14/0119 201 Rev K; K14/0119 202 Rev R; K14/0119 203 Rev R; K14/0119 204 Rev L; K14/0119 205 Rev E; 13321\T\01-01 and 14/0912/TK01 Rev A.
- 3) No works on site above ground shall commence until details of sound installation for windows in the residential units have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 4) No occupation of the development shall take place until a Delivery and Servicing Plan has been submitted to and approved in writing by the Local Planning Authority. Vehicle servicing the site shall do so in accordance with the approved details for so long as the development remains in existence.
- 5) No occupation of the development shall take place until a Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. The management of the car park shall be undertaken in accordance with the approved details as long as the development remains in existence.
- 6) No development shall take place until a Section 278 agreement has been completed with the local highway authority for the movement of the bus cage on Crown Lane.
- 7) No works on site above ground level shall commence until details of the external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.
- 8) No development shall take place until intrusive site investigation and assessment into the possibility of soil, water and gaseous contamination is carried out to the satisfaction of the Local Planning Authority. The investigation report shall include a risk assessment and details of remediation if required. Remedial works which are shown to be required must be approved by the Local Planning Authority before any such works are carried out and completed prior to the occupation of any building. A validation report detailing evidence of all remedial work carried out must be submitted to and approved in writing by the Local Planning Authority at the conclusion of the work and before any occupation of the properties. The developer shall notify the Local Planning Authority of any on site contamination not initially identified by the site investigation so that an officer of the Local Planning Authority may attend site and agree any appropriate remedial action.
- 9) No development shall take place until the applicant has provided to the Local Planning Authority for approval an independently verified BREEAM pre-assessment report that demonstrates how an 'Excellent' rating will be achieved. The approved scheme shall then be provided in accordance

with these details. The certified BREEAM post construction review, or other application process agreed with the Local Planning Authority, shall be provided, confirming that the agreed standards have been met, prior to the first occupation of the development.

- 10) Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained with respect to the following matters:
- i) Refuse storage;
 - ii) Cycle storage; and,
 - iii) Trolley storage.

Once approved the items above shall be retained in the form specified for so long as the development is in existence.

- 11) Notwithstanding anything contained in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any amendment or replacements thereof), prior to the commencement of any building or engineering operations, a Construction Logistics Plan shall be submitted to the Local Planning Authority for approval in writing.

The plan shall include the following information for all phases of the development and shall only be implemented as approved:

- i) Parking of vehicles associated with deliveries, site personnel, operatives and visitors;
 - ii) Facilities for the loading and unloading of plant and materials;
 - iii) Details of the storage facilities for any plant and materials;
 - iv) The siting of any site huts and other temporary structures, including site hoardings;
 - v) Details of the proposed security arrangements for the site;
 - vi) Details of the precautions to guard against the deposit of mud and substances on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and body work effectively cleaned and washed free of mud and similar substances prior to entering the highway; and,
 - vii) Details outlining the proposed range of dust control methods and noise mitigation measures during the course of construction of the development, having regard to Croydon Council's 'Code of Practice on Control of Pollution and Noise from Construction Sites', BS 5228, Section 61 consent under the Control of Pollution Act 1974, and the 'London Best Practice Guidance to Control Dust and Emissions from Construction and Demolition'.
- 12) No development approved by this permission shall be commenced until a detailed scheme for the provision of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The final drainage scheme shall dispose of surface water by means of

sustainable drainage system (SuDS) in accordance with the drainage hierarchy contained within the London Plan (Policies 5.12, 5.13 and London Sustainable Design and Construction SPG 2014)) and the advice contained within the non-statutory technical standards. Where a sustainable drainage system is to be provided, the submitted details shall include:

- i) Information about the design storm and intensity, the methods employed to delay (attenuate) and control the rate of surface water discharge from the site. Appropriate measures must be taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) A timetable for its implementation; and,
- iii) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Once approved the scheme shall be implemented in the form specified for so long as the development is in existence.

- 13) Prior to the commencement of any development of any works above ground, details of the scheme for the location of external mechanical plant shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented on site in accordance with the approved details.
- 14) Prior to the commencement of development of any works above ground, details of ventilation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented on site in accordance with the approved details.
- 15) No occupation of the development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority unless otherwise agreed in writing in advance of any occupation. Such detail shall include the existing planting to be retained, species and size of the proposed new planting, hard landscaping materials (which shall be permeable as appropriate), and all boundary treatments within and around the development (including but not limited to full details of the planting to the Crown Lane frontage and the layout and planting to the first-floor amenity area). All planting shall be maintained for a period of five years from the date of planting; any planting which dies or is severely damaged or become seriously diseased or is removed within that period shall be replaced by planting of similar size and species to that originally provided.
- 16) The residential element of the development shall achieve a reduction in carbon dioxide emissions of 35% beyond of the 2013 building regulations. Prior to the occupation of the development details confirming the carbon dioxide emission reductions shall be submitted to and approved in writing by the Local Planning Authority.
- 17) Prior to occupation, details of noise mitigation for external mechanical

plant shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented on site in accordance with the approved details.

- 18) No occupation of the building shall take place until a Travel Plan, to encourage sustainable modes of transport covering both retail and residential uses, has been submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.
- 19) Prior to the occupation of the development, details of CCTV to be installed in and around the site shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.
- 20) Details for the provision of electric vehicle charging points in the car park area shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the building. Once approved, electric vehicle charging points shall be retained in the location specified for so long as the development remains in existence.
- 21) The existing vehicular access on Beulah Hill shall be closed as specified in the application before any part of the development is occupied and the kerbs reinstated.