
Appeal Decision

Site visit made on 18 May 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 13 June 2017

Appeal Ref: APP/L5240/W/17/3167224

Kenley Police Station, 94-96 Godstone Road, Kenley CR8 5AB

- 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 Dr Krishnan Satkunam against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/02741/P, dated 27 May 2016, was refused by notice dated 26 July 2016.
 - The development proposed is a new build 19 bed care home; the proposal also includes the provision of the necessary car parking at the back of the site.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) whether or not the proposed development would be appropriate in respect of the risks from flooding;
 - ii) whether or not the proposed development would provide adequate access for disabled users of the care home;
 - iii) the effect of the proposed development on highway safety and efficiency in respect of provision for car parking and service vehicles;
 - iv) the effect of the proposed development on the character and appearance of the surrounding area and the setting of the adjacent locally listed buildings.

Reasons

Flooding

3. The site is located within Flood Zone 3 which is where there is a high risk of fluvial flooding, highlighted by the fairly recent event in 2014. The appellant has submitted a Flood Risk Assessment that states that the risk of flooding is deemed to be largely controlled by surface water processes and that the site may be considered to be at higher risk from surface water flooding than fluvial. It also highlights that the site is located in an area identified by the Council as a flooding hotspot. Furthermore, it is in an area where there is potential for groundwater flooding to occur at the surface.
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4. Paragraph 103 of the National Planning Policy Framework (the Framework) states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that, amongst other things, development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems. Policy 5.12 of the London Plan is consistent with this. Furthermore, policy SP6.4 of the Croydon Local Plan: Strategic Policies (the CLPSP) requires, amongst other things, new development in Flood Zones 2 and 3 to provide site specific Flood Risk Assessments proportionate with the degree of flood risk, and to utilise sustainable urban drainage systems to reduce surface water run-off.
5. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. The Council highlights that there is not a need for development in this area and that there is not a lag in provision for housing or a shortage of care homes. However, this is disputed by the appellant who claims that there are no suitable alternative sites for the proposed relatively small sized care home and that there are specific accommodation needs for caring for people with more complex needs in Croydon. The appellant has also highlighted a number of factors in relation to the Exception Test in respect of wider sustainability benefits to the community, which I have considered regardless of whether or not the Sequential Test can be considered to be met.
6. I acknowledge the proposed addition of lawn area to the site and use of a Sustainable Urban Drainage System in terms of aiding surface water drainage and ensuring that the development would have little effect in terms of surface water generation. However, that would not in itself prevent all flooding from occurring. There may also be a small benefit in terms of pollution control from planting on the site. The appellant also highlights that waste would be returned to waste providers, clothes and furniture would be donated for reuse, and that cycle parking would be provided to promote sustainable modes of travel. However, those benefits again would be fairly small given they would only relate to a development comprising 19 bedroom spaces. There would also be a social benefit in terms of contributing towards the well-being of adults with learning difficulties in the area and an economic one relating to the intention to employ most of the albeit fairly small number of staff from the local area.
7. Having regard to paragraph 103 of the Framework, undercroft voids would ensure there would be no increase of flood risk to the surrounding area. The appellant highlights that the building itself would be unlikely to flood due to raised ground floor levels above the 1 in 100 year modelled pluvial flood depths, along with other measures including solid floors where possible on the ground floor with waterproof membrane, non-return valves on sewers, raised electrical services, internal access from the ground to first floor, and plumbing insulation to be of a closed-cell design. It is also stated that allowance would be made for climate change, although it is queried by the Council as to how this would be achieved.

8. Notwithstanding the above, and importantly, I have received insufficient evidence relating to measures that would enable prospective occupiers to remain in the building for an extended period of time until any surrounding flood water was to recede, which could be a slow process in the case of a groundwater flood event. This is especially if, despite the above measures, the local sewerage system and supply of fresh water were to fail for example. Food supplies could also not be guaranteed to be sufficient to last for the period of flooding. Such a situation would have the potential to pose an unacceptable risk to the health and safety of those occupants and to put additional pressure on the emergency services in enabling evacuation.
9. I have also received no substantive evidence of a dry and safe escape route once flooding had occurred. There would be reliance on evacuation prior to flooding, having received flood alerts and warning. In that respect, despite the intended evacuation plan, there is no guarantee that occupants would act upon the warnings, especially as the proposal is for the building itself to be a safe refuge. The degree of vulnerability of future residents could also be a factor in any decision not to evacuate, particularly where there are infirm or elderly people living there.
10. Those factors set out in the above two paragraphs carry substantial and over-riding weight despite those other proposed flood mitigation measures and the scheme's benefits previously referred to.
11. Therefore, for the above reasons, I conclude on this issue that the proposed development would not be appropriate in respect of the risks from flooding. As such, it would be contrary to policy 5.12 of the London Plan and policy SP6.4 of the CLPSP. It would also be contrary to paragraph 103 of the Framework.

Access for disabled users

12. In respect of this issue I have had specific regard to the suitability of the proposed pedestrian access to the building. The submitted drawings show ramped access to the building entrances. Those ramps are shown to be of a fairly steep gradient and I have not received any substantive evidence to demonstrate that they would enable easy access for all users including those reliant on wheelchairs. Furthermore, there can be no certainty that any necessary design changes to ensure such ease of access could be achieved without a material change in the building's design. I have also not received evidence of any other measures to ensure appropriate access into the building for all potential users.
13. For the above reasons, I conclude on this issue that, in the absence sufficient details, the proposed development would be unable to provide adequate access for disabled users of the care home. As such, in respect of this issue, it would be contrary to policy UD7 of the Croydon Replacement Unitary Development Plan: The Croydon Plan 2006 (the UDP) and policy 7.6 of the London Plan which together require development proposals to be designed with ease of access for all users as a prime consideration.

Parking and servicing provision

14. I have had regard to concerns raised about the ability of parked vehicles to exit the site in a forward gear, there being insufficient space for vehicles to reverse, and the two spaces adjacent to the proposed cycle parking being unusable. I

note that the plans show a fairly limited amount of space for manoeuvring in and out of the proposed parking spaces. However, the layout would be such as to enable access to all of those spaces, albeit that this would be likely to include a small number of additional manoeuvres. The parking area would also be positioned well away from the public highway where manoeuvring would be less likely to interfere with traffic and pedestrian flows. Furthermore, due to the fairly small number of spaces it would be unlikely to be a heavily used area. There would also be space between that area and the rest of the access drive for turning to allow exiting from the site in a forward gear for both cars and service vehicles.

15. The plans show a drop-off zone adjacent to the proposed building and I have had regard to whether this, when in use, would impede the access drive. Based on the submitted plans, single vehicle width access would still be retained to the side of that zone such that vehicles would be able to pass.
16. For the above reasons, I conclude on this issue that the proposed development would be unlikely to pose a risk to highway safety or materially affect the efficiency of the highway network, in respect of provision for car parking and service vehicles. As such, it would accord with policies UD13 and T8 of the UDP, policy SP8.15 of the CLPSP, and policies 6.12 and 6.13 of the London Plan which together, in respect of this issue, require adequate provision for parking, and for account to be taken of road network capacity.
17. The Council, in its decision notice, also refers to policy SP8.7 of the CLPSP, policy 6.9 of the London Plan and policy T4 of the UDP in respect of this issue. However, those policies relate to encouraging cycling and so are not directly relevant to this issue.

Character and appearance

18. The site is located behind two locally listed buildings (LLBs) which are prominent features of the streetscene but also seen in the context of substantial four storey flatted developments to the east and, to varying degrees, three storey townhouses set back from the road either side of the main part of the site in Waterbourne Way and Purcell Close.
19. The proposed development would also have three storeys and, like those dwellings immediately to the east in Waterbourne Way, with the top floor in the roofspace, thereby minimising its massing effect. Its raised ground floor level to avoid the risk of the property flooding would increase its height to a fairly small extent but the ridge height would be likely to be similar to those dwellings to the east which are located on higher ground. The same does not apply to the dwellings on the other side which are at a similar level as the adjacent part of the appeal site. However, they are full three storey height, albeit with a less steep roof pitch and so the difference in height with the appeal proposal would be unlikely to be substantially different. In that context, the massing of the proposal would not be unexpected or alien to its surrounding context.
20. The proposal would be seen to varying degrees from the street. However, it would also be likely to be significantly obscured from view when directly in front of the LLBs, by those buildings, and by the flats of Warwick Court on the approach to the site. That factor, together with the extent of the set back from

the road and separation from the frontage LLBs, would ensure that it would not appear as a dominant feature either in relation to the streetscene or the LLBs.

21. In respect of the proposed building's design, its gable ends and modest sized dormers would not be alien features in the context of existing neighbouring buildings. Furthermore the indicated mix of brick colours would again not be unusual as those of Warwick Court, to the east of the LLBs, currently include both red and yellow brick types. Further details of the brick types and colours could in any case be secured by condition.
22. The stepped and ramped access at the front of the building would inevitably be a distinct feature of the development, necessitated by the raised ground floor levels. However, as shown on the submitted drawings and notwithstanding my concerns above in respect of access for all users, it would not be a dominant feature, being below the cill level of the ground floor windows. Furthermore, from the street, that lower part of the building would be significantly less prominent than the rest of the building, particularly due to the drop in levels and the degree of set-back.
23. For the above reasons, I conclude on this issue that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area or the setting of the adjacent locally listed buildings. As such, in respect of this issue, it would accord with policies UD2, UD3 and H5 of the UDP, policies SP4.1, SP4.11, SP4.12, SP4.13 of the CLPSP and policies 7.4, 7.6 and 7.8 of the London Plan which together, amongst other things, require development proposals to respect the character and appearance of the area, and to respect, and optimise opportunities to enhance, the setting of heritage assets.

Conclusion

24. I have found that the proposed development would be unlikely to pose a risk to highway safety or materially affect the efficiency of the highway network, in respect of provision for car parking and service vehicles, and would not cause unacceptable harm to the character and appearance of the surrounding area or the setting of the adjacent locally listed buildings. However, this does not deflect from my findings that it would not be appropriate in respect of the risks from flooding and would be unable to provide adequate access for disabled users of the care home.
25. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR