



Appeal Decision

Site visit made on 19 April 2021

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 April 2021.

Appeal Ref: APP/L5240/W/20/3263968

Post Office, 10 High Street, Croydon, CR9 1HT

- 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 S D Shah (Remys Ltd) against the decision of London Borough of Croydon Council.
 - The application Ref 20/00711/FUL dated 11 February 2020 was refused by notice dated 27 May 2020.
 - The development proposed is conversion of the upper floors from office use (B1) to residential use (C3) to provide two 1-bed flats and four 2-bed flats with associated internal alterations and provision of cycle storage. Private garden area provided for flat B and communal garden for other flats.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the determination of this application the London Plan 2021 (a Replacement Plan) has been published by the Mayor. On this occasion the refusal reason relates solely to conflict with a single policy of the Croydon Local Plan (2018) and no policies within the London Plan 2016. Given this, and the issues raised as a result of the refusal reason, it is not considered on this occasion that the publication of the London Plan directly changes the assessment of this appeal.

Main Issue

3. The main issue is whether the proposal would provide adequate refuse storage facilities and adequate space for temporary storage.

Reasons

4. The appeal site is located on the High Street and the proposal is for the conversion of the three floors which make up the original front block of the appeal site. The Council raise a single reason for refusal upon which this appeal will focus. At the time of my site visit it was lunchtime on a Monday the High Street was busy and, as is expected given the High Street address, the appeal site is in a prominent location within a Primary Shopping Area subject to heavy footfall. The site is located within Croydon's Central Conservation Area though no impact upon this is specifically stated within the Council submissions or refusal reason.
5. Croydon Local Plan 2018 (LP) Policy DM13 specifically addresses refuse and recycling. It is stated that the Council will require developments to sensitively

integrate refuse and recycling facilities within the building envelope or, in conversions (as is the case with this appeal proposal), where that is not possible, integrate within the landscape covered facilities that are located behind the building line where they will not be visually intrusive or compromise the provision of shared amenity space. It also requires adequate space for the temporary storage of waste (including bulky waste) materials generated by the development.

6. LP Policy DM13 is noted as being silent in relation to sites where there is no outside space available but I find that it is still key that developments evidence how waste will be managed appropriately. The overarching objectives, stated in the technical considerations of LP Policy DM13, are to seek to ensure that problems with rubbish being left on footways are minimised and that developments incorporate enough suitable space to store waste and recycling likely to arise once occupied and that waste collection services can operate safely and efficiently (paragraph 6.137).
7. The submitted plans identify areas for temporary storage (shown hatched and noted) but I have no evidence before me as to their specific capacity. I find the potential for sufficient storage capacity is likely limited within the context of the kitchen facilities shown. I have concerns regarding reliance on the storage of waste, particularly food waste, entirely within the habitable accommodation itself given that collections for each waste type is generally on alternative weeks. Even if I had evidence before me that the storage proposed, within the units themselves, was acceptable in terms of capacity I find there is then a specific issue when it comes to waste collection.
8. LP Policy DM13, nor the 2015 Waste and Recycling Policy, does not expressly state that bagged collection is not allowable but the Waste and Recycling Service Team (the Waste Team) have been specific in the collection requirements for the Council. The Waste Team have confirmed that they will only collect waste which is in prescribed containers. The Waste Team confirm that, for six flats, there would be a requirement for 2 x 360 litre landfill bins, 3 x 360 litre comingled recycling bins and food waste bins as stated¹. Until such containers are on site the waste would need to be collected by a certified waste collection company by the developer/managing agent. As a result of this I do not find refuse collection can be adequately secured within the proposal given the container requirement for six flats.
9. I have considered the imposition of a condition ensuring that no rubbish is left out outside the appeal site, with the exception of the night before scheduled collections, but in light of the comments from the Waste Team I do not see how this overcomes the issues raised with the requirement for the prescribed containers as outlined. I have no details before me, such as a waste management plan, which outlines certified waste collections which could overcome the requirement for said containers as an alternative.
10. It is stated that waste and recycling bagged for pavement collection is common within Croydon High Street but each case must be considered on its own merits and I have no details before me as to existing bagged collections in light of the Council's stance that prescribed containers must be utilised. The appeal site is currently classified office space (albeit it is stated that have lain vacant for some time). I acknowledge there would be some waste generated by the

¹ Email 18 March 2020

existing use should it be reinstated but the waste generated by office use would be likely be slightly less than occupation of the site by six residential units.

11. Final details for matters such as refuse storage can often be secured via condition, however, for such a condition to be acceptable it has to be feasible that there is plausible solution or capacity within the site in the first place. An additional temporary storage area is noted as having been suggested by the appellant on the roof. Despite this the combination of my concerns as to physical storage capacity, and practical implications, within the proposed flats themselves as well as the lack of appropriate space for prescribed containers which the Council state are clearly required for them to collect waste and lack of a waste management plan (for example if a certified waste collector was proposed instead) I find to be a wide combination of matters which are integral to any consent granted. I find that details should be obtained and agreed as a part of any consent granted and not just left to be secured by condition.
12. I acknowledge that the appellant has tried to find alternatives but based upon the evidence before me I do not find the proposal would be able to adequately provide refuse storage facilities nor adequate space for temporary storage. The proposal would be contrary to LP Policy DM13 which requires the location and design of refuse and recycling facilities to be treated as an integral element to overall design.

Other Matters

13. I do not find that the decision, to dismiss this appeal, creates damaging precedent nor that it rules out conversion of upper floors in a town centre context. Each case must be considered on its own merits and indeed each building considered for conversion will be unique in its floor area, layout, access, outside space and background.
14. Whilst there are mechanisms for prior approval for changes of use, this is only of weight in the presence of a live, extant or implementable approval which may represent a fallback position which is a material consideration. This is not the case for the appeal site. I have no evidence before me to support other considerations such as preservation of built heritage or similar. Re-use of buildings and a boost to housing supply is acknowledged but the proposal is not one which falls to be considered in the context of a tilted balance at the point of determination.
15. The proposal falls to be considered against the Local Plan taking account of material considerations in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004. Based upon the evidence before me I do not find that I have sufficient detail to conclude that the development would provide adequate refuse storage or adequate space for temporary storage.

Conclusion

16. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR