



Appeal Decision

Site visit made on 6 September 2022

by Richard McCoy BSc MSc DipTP MRTPI IHBC

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

Decision date: 14 NOVEMBER 2022

Appeal Ref: APP/L5240/W/21/3289203

Sentinel House, 163 Brighton Road, Coulsdon CR5 2YH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, [Part 3, Class O] of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Sentinel House Limited against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/03840/GPDO, dated 19 July 2021, was refused by notice dated 6 September 2021.
 - The development proposed is to convert Sentinel House from B1(a) [Class E] office use to 42 residential units in C3 use, under Class O of GDPO 2015 along with associated car parking, cycle and refuse storage.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Class O of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) was replaced by Class MA on 1 August 2021. However, as the application was received by the Council prior to 31 July 2021, the appeal can be determined.
3. This appeal falls to be considered under Schedule 2, Part 3, Class O of the GDPO. An application for determination as to whether prior approval is required must be made in respect of, a) transport and highways impacts of the development, b) contamination risks on the site, c) flooding risks on the site, d) impacts of noise from commercial premises on the intended occupiers of the development, and e) the provision of adequate natural light in all habitable rooms of the dwellinghouses.
4. The provisions of Schedule 2, Part 3, paragraph W (procedure for prior approval under Part 3) apply, paragraph 13 of which provides that "*The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.*" These are set out under a) to e) above. The Council has made clear in respect of b) that this may be controlled by a condition attached to any grant of approval and raises no concerns with regard to d) and e). From my assessment, I have no reason to disagree. However, the Council refused prior approval as it considered that the proposed development would not comply with the conditions, limitations or restrictions that are applicable to such

permitted development, in respect of highways impacts and flood risk. In addition, the Council considered that the proposed development would fail to meet the nationally described space standards.

5. Amended plans (ref. 21043 P102 rev D, 21043 P112 rev F, 21043 P111 rev E and 21043 P110 rev F) were submitted as part of the appeal which address concerns raised by the Council. These amendments are in respect of an increase in cycle parking spaces to 71, the provision of doors direct from the bin store into the courtyard area, the provision of a blue badge parking space and a revised Technical Note on Transport Matters.
6. These respond to the Council's reasons for refusal 1 and 2 which relate to harm to highway safety by reason of an unsafe access, inadequate refuse and cycle provision and layout of storage areas, and insufficient blue badge parking. In my judgement, these are matters that go to whether or not conditions, attached to any grant of approval, could resolve these matters in dispute. While representations were received on these matters from interested parties, I consider that the development would not be materially altered to the extent that their interests would be prejudiced by the revised details. I return to this matter below.
7. A revised Flood Risk Assessment and Drainage Strategy (FRA) was also submitted with the appeal in response to the matters raised by the Council regarding flood risk in reason for refusal 3. However, Thames Water who were consulted on the original application, were not given the opportunity to assess and comment on the revised flood risk and drainage details. In my judgement, to accept these details could prejudice the interests of both Thames Water and those interested parties who commented on the flood risk and drainage aspects of the proposal.

Main Issues

8. Against this background, I consider the main issues to be the effect of the proposed development on highway safety, and flood risk.

Reasons

Highway safety

9. A revised technical note on transport matters which includes details on servicing issues and swept path assessments was submitted with the appeal. The details provided demonstrate that the necessary vehicular manoeuvres could be safely undertaken within the site. The Council confirmed that the revised details show that its concerns in this regard have been overcome.
10. In addition, the amended site plan and ground floor layout plan demonstrate that the required waste storage and collection arrangement can be provided on site, that the increased cycle storage would accord with the requirements of the London Plan (2021) and that a British Standard compliant blue badge parking bay would be provided. The Council is satisfied that the amended proposal accords with the first part of the policy requirement Criteria G of London Plan (2021), Policy T6.1 (Residential parking).
11. In my judgement, Policies T4(F), T5 and T6.1 of the London Plan (2021) and Policies SP8.17, DM13, DM29 and DM30 of the Croydon Local Plan (2018) are relevant as evidence to demonstrate that the proposal would be acceptable in

terms of its transport and highways impacts subject to a suitably worded condition, attached to any grant of consent, to ensure that it is carried out in accordance with the details shown in the amended plans and revised details.

Flood risk

12. Thames Water in commenting on the scheme as determined by the Council noted that on the basis of the information provided it had not been able to determine the infrastructure needs of the application. The appellant pointed out that the Council did not request further details and has included a revised FRA as part of the appeal. The revised details include a surface water drainage strategy which states that, "*outflow from the site will be limited to 4.0 l/s/ha through the use of below ground geocellular storage tanks*". In addition, the revised details demonstrate that surface water source control calculations for the site show that it would not flood in the 1-in-100 year return period (plus 40% climate change) event.
13. However, Thames Water have not had the opportunity to assess the details contained in the revised FRA. In my judgement, this would be necessary in order that they should have the opportunity to interrogate the technical data that has been submitted and provide an updated assessment to the Council. This would include, in the light of the revised FRA, whether or not conditions should be attached to any grant of approval and the suggested wording for any such conditions.
14. In the absence of such an assessment, I am unable to conclude on the likely flooding risks on the site arising from the proposed development having regard to the National Planning Policy Framework, and in this regard, the proposed development would not comply the conditions, limitations or restrictions that are applicable to such permitted development.

Other matters

15. Concerns were also raised regarding the size of accommodation provided within units 28, 31, 37, 38 and 42 with the parties disputing whether or not they meet the nationally described space standards. The level of occupancy proposed for each was a further area of contention with the Council concerned that restricting occupancy to a single person for each of these units would not be possible by condition as it would be too difficult to monitor/enforce.
16. In response, the appellant has submitted a signed and dated planning obligation with the appeal which seeks to limit these units to single person occupancy. This is also contended by the Council. However, given I am dismissing the appeal for another reason, it is not necessary for me to consider this matter further.

Conclusion

For the reasons given above and noting the appellant's frustration with the Council's handling of the application, I conclude that the appeal should be dismissed.

Richard McCoy

INSPECTOR