



Appeal Decision

Site visit made on 22 November 2022

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2022

Appeal Ref: APP/L5240/W/22/3300514

Units 1,2 and 3, 72 Frith Road, Croydon CR0 1TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Sterling Rose Homes against the Council of the London Borough of Croydon.
 - The application Ref 21/05953/FUL, is dated 29 November 2021.
 - The development proposed is described as a change of use of first floor offices (Class E) to three self-contained homes (Class C3).
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Decision

1. The appeal is allowed and planning permission is granted for change of use of first floor offices (Class E) to three self-contained homes (Class C3) at Units 1,2 and 3, 72 Frith Road, Croydon CR0 1TA in accordance with the terms of the application, Ref 21/05953/FUL, dated 29 November 2021, subject to the conditions in the attached schedule.

Procedural Matters

2. The Council do not contest the application, however as this is an appeal against non-determination, I have a duty to deal with the case before me.

Main Issues

3. The main issues are whether the proposed development would:
 - Provide a suitable location for new residential development;
 - Provide acceptable living conditions for neighbouring and future occupiers; and
 - Have an acceptable impact upon highway safety.

Reasons

Location

4. The appeal site is located within a Conservation Area, a Metropolitan Centre, Opportunity Area and in an Archaeological Priority Zone. It lies within a mixed residential and commercial area and the site is located within an area of surface water critical drainage.
5. A mixed-use development at this site was granted in 2019 under Croydon Council reference 19/04307/FUL. The Council have confirmed that the site is not within an office retention area and therefore in principle the conversion

from office units to residential use would be acceptable from a policy perspective.

6. The appellant has also submitted marketing evidence which shows that since construction, January 2020, marketing of the office has not been successful. Therefore, on the evidence before me, the loss of the office floorspace at first floor level would be acceptable.
7. The Council has an overall strategic target of 30% of all new homes to be 3 or more bedrooms by 2036. However, the proposal would create 3 one-bedroom flats. Set against the wider housing provision of the 2019 planning consent in combination with the proposed development, I find the overall balance of housing would provide a sufficient level of family housing in accordance with policy.
8. The proposal would be in a suitable location having regard to the spatial strategy in the development plan and would not conflict with the relevant provisions of Policies SP2, SP3 and DM4 of the Croydon Local Plan 2018 (the Local Plan).

Living Conditions

9. The proposed development would be of a similar layout and outlook to the existing flats at second floor level. There is no evidence before me to suggest the proposed development would not comply with floorspace standards. Private balconies would be provided for each flat and given the size of the proposed units, I would agree with the Council, that communal/playspace, in this instance, would not be required.
10. Appropriate internal cycle storage would be provided at ground floor level and the council confirm the fire strategy is acceptable. The proposed development would not include any external works of great substance and accordingly given the modest size of the proposal any noise impacts would be controlled under other, environmental health regimes.
11. The proposal is therefore in accordance with the relevant provisions of Policies SP2 and DM10 of the Local Plan. These, amongst other things, address the need for high quality design therefore respecting the living conditions of residential occupiers.

Highway Safety

12. The proposed development would incorporate predominantly internal alterations. Given the modest scale of the development, I agree with the Council that it would not be proportionate to impose conditions regarding a Construction Logistics Plan and highway agreements.
13. The Council confirm that a condition of the original 2019 consent prevented any occupier of the development from applying for a car parking permit. In this case it would be appropriate to apply this again given the high PTAL and car-free nature of the proposal.
14. The proposal would therefore not have an unacceptable impact upon highway safety in compliance with the relevant provisions of Policy DM10 of the Local Plan, Policies T5 and T6 of the London Plan 2021 and the National Planning

Policy Framework (the Framework). These, amongst other things, seek to ensure that development avoids unacceptable impacts on highway safety.

Other Matters

15. The appeal site is within the Church Street Conservation Area (CA). The Council do not object to the proposed development on the basis of any harm to the CA and, given it would not include any external works of great substance, I am inclined to agree. The character or appearance of the CA would therefore be preserved.

Conditions

16. The Council has suggested 7 conditions. Where necessary and, in the interests of precision, I have amended the wording and merged some of the conditions to accord with Planning Practice Guidance (PPG) and the Framework.
17. In addition to the standard time limit for commencement, conditions are necessary specifying the approved plans [2] in the interests of certainty. It is also necessary, in the interests of hygiene, to agree refuse details [3]. To support sustainable travel conditions [4 and 5] are necessary. In the interests of efficient use of energy and resources, condition [6] is also necessary.

Conclusion

18. For the reasons above, the proposed development would comply with the development plan when read as a whole and there are no sufficiently weighted material considerations that would indicate a decision otherwise. The appeal should, therefore, be allowed and planning permission granted.

N Praine

INSPECTOR

SCHEDULE OF CONDITIONS (6 in total)

- 1) The development hereby permitted shall be begun within three years of the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: First Floor Plan and 2021-11-Frith GND FLR 1 rev A.
- 3) Details of refuse storage facilities including bin capacity as shown on the approved plan and maintenance plan shall be submitted to the local planning authority for prior approval before occupation of the units. Once approved the facilities shall be implemented and permanently retained thereafter in accordance with the approved details.
- 4) Details of the proposed cycle storage facilities and number of cycles shall be submitted to and approved by the local planning authority before occupation of the units. The approved details shall be implemented and permanently retained thereafter in accordance with the approved details.
- 5) Any future occupiers, including lessee's or owners shall not apply for nor knowingly permit an application to be made by any person residing in the premises to the London Borough of Croydon for a residents car parking permit (other than a disabled persons' Parking Permit) in respect of the premises hereby demised and so that if such a permit is issued it shall be surrendered within 14 days of written request to do so from the London Borough of Croydon.
- 6) The development shall achieve a reduction in carbon emissions of 19% and a water use target of 110 litres per head per day. Prior to occupation of the residential units, details confirming the carbon dioxide emissions reductions and water usage shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development should be implemented and retained in accordance with the approved details.

End of Schedule