

**33 Brighton Road, Croydon, CR2 6EB**  
**Planning Statement – March 2024**

**1.0 Introduction**

- 1.1 This statement has been prepared on behalf of AP Assets Ltd to support an application for prior approval at the above property.
- 1.2 The application is for the change of use of the first and second floors from offices (Class E) to 4 x self contained flats (Class C3). In addition to the completed signed and dated forms the application comprises the following:

Document/Drawing Title	Reference Number/Date
Site Location Plan	PL_001_240108
Existing Site Plan	PL_002_240108
Proposed Site Plan	PL_003_240131
Existing Floor Plans	PL_004_240108
Proposed Floor Plans	PL_005_240108
Elevations	PL_006_240202
Elevations	PL_007_240202
Refuse and Bike	PL_008_240121
Façade Noise Exposure Assessment	HA/AE917/V1
Internal Daylight Assessment	PP2296/BR/DL/202401-AV
Transport Technical Note	P2401.1
Flood Risk Assessment	C3191-R1-REV-A
Community Infrastructure Levy (CIL) Form 1	March 2024

**2.0 Site and surroundings**

- 2.1 The site consists of a 3 storey building located on the eastern side of Brighton Road. The site forms part of the Pavilions which a group of 2-3 storey buildings. The application site adjoins 4 The Pavilions to the north, a car park area to the east and access drive to the Pavilions to the south.
- 2.2 The site comprises office accommodation falling within Class E. The site does not contain a listed building and is not within a conservation area. The site is located within Flood Zone 3 and has a Public Transport Accessibility Level (PTAL) rating of 5.

**3.0 Relevant planning history and background**

- 3.1 The planning history of the property is as follows:

Reference	Description	Decision/Date
94/01535/P	Use of ground floor for purposes within class d1(a)	Granted 18 January 1995
05/02730/P	Use for purposes within class B1 (business)	Granted 24 August 2005
23/01224/GPDO	Change of use from office (Use Class E) to residential (Use Class C3) to provide 6no. flats under Schedule 2, Part 3, Class	Refused 05 June 2023

	MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and associated works	
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3.2 Prior approval 23/01224/GPDO was refused for the following reasons:

*1 No evidence has been provided to demonstrate that the building has been vacant for a continuous period of at least three months immediately prior to the date of this application for prior approval being submitted, contrary to MA.1 (1) (a) of Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).*

*2 The proposed development includes external alterations to the building. The proposed development therefore falls outside of the scope of Class MA, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 and does not constitute permitted development.*

*3 The proposal fails to demonstrate that adequate cycle and refuse storage would be provided and has not demonstrated that there is sufficient space to meet such a requirement. As such, there is insufficient certainty that this could be achieved and the proposal therefore fails to promote sustainable modes of transport and provide acceptable cycle parking and refuse storage arrangements, contrary to policies DM10, DM13, DM29 and DM30 of the Croydon Local Plan (2018), Croydon's Waste and Recycling in Planning Policy Document (2018), policy T5 of the London Plan (2021) and Paragraph MA.2 (2) (a) of Class M, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended).*

*4 It has not been demonstrated that adequate natural light would serve all habitable rooms and the proposal thereby fails to comply with Condition MA.2.—(1)(f) of Class MA of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and conflicts with Policy D6 of the London Plan 2021, and Policies SP4 and DM10 of the Croydon Local Plan 2018.*

*5 The application has failed to demonstrate that the proposed dwellings would not be at risk of flooding. The proposal would therefore be contrary to Condition MA.2.—(2)(c) of Class MA of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 and conflicts with Policy DM25 of the Croydon Local Plan and Policy SI12 of the London Plan.*

*6 In the absence of a legal agreement, the application does not offer a means to prevent increased car use in the Controlled Parking Zone. The proposal would thereby be contrary to condition MA.2 (2) (a) of Class MA of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended); policies T1, T2, T4, and T6 of the London Plan (2021); policies DM29 and DM30 of the Croydon Local Plan (2018).*

A copy of the decision notice for Prior approval 23/01224/GPDO is included at Appendix A and the delegated report at Appendix B.

3.3 The remainder of this statement discusses the previous reasons for refusal and explains how the scheme has been revised to address the previous reasons for refusal.



#### 4.0 Proposed scheme

4.1 The proposal is for the change of use of the first and second floors to residential. The scheme comprises the following:

- 2 x 1 bedroom (1 person) flats (38.76sqm),
- 2 x 2 bedroom (3 person) flats (61.68sqm),

#### 5.0 Permitted Development

5.1 The right to change the use of the premises to residential is set out in Schedule 2, Part 3, Class MA of the Town and Country Planning (General permitted Development) (England) Order 2015 (As Amended) (GPDO).

5.2 The GPDO lists a set of criteria for determining whether a scheme constitutes permitted development. In this case, the proposal is permitted by Class MA for the following reasons:

- The lawful use of the building is offices (Class E),
- The site is not located within or forms part of any of the following:
  - Site of special scientific interest,
  - Listed building or it's curtilage,
  - Scheduled monument or it's curtilage,
  - A safety hazard area,
  - A military explosives storage area,
  - Area of Outstanding Natural Beauty (AONB),
  - Area designated under the Wildlife and Countryside Act 1981,
  - The Broads,
  - A National Park,
  - A World Heritage Site,
- The site is not occupied under an agricultural tenancy,
- The application is being submitted after 01<sup>st</sup> August 2022.

5.3 Class MA also includes a number of conditions which make it necessary to seek the prior approval of the local planning authority (LPA). As part of this process, it is necessary for the LPA to consider the matters discussed below.

#### Transport

5.4 The third reason for refusing the previous scheme related to the lack of space for refuse and cycle storage, whilst the sixth reason for refusal related to the lack of an agreement to secure a parking free scheme. The current scheme has been revised in response to these reasons for refusal and is supported by a Transport Technical Note prepared by Kronen Ltd.

5.5 It should be noted that the red line boundary for the previous scheme included the footprint of 33 Brighton Road only. It did not include the car park area to the rear. The red line for the current application has been expanded to include other areas within the applicant's ownership/control. This includes the car park area to the rear. The existing property is currently allocated 6 x parking bays to the rear of the property, no cycle parking is available. The current proposal retains 3 of the parking bays and utilises the other 3 to create refuse and cycle storage.

- 5.6 The transport note submitted in support of the application confirms that the level of parking proposed accords with the requirements of Policy DM30 of the Croydon Local Plan 2018 (CLP) and Policy T6 of the London Plan 2021 (LP) which encourages “car-lite” development. The intention is for the flats to be car free with the 3 x parking bays utilised by the retained office space at ground floor level. The applicant agrees to enter into a legal agreement to ensure the flats remain car free and to address reason for refusal 6.
- 5.7 The scheme also provides refuse storage in accordance with the local standards and a cycle store for 6 x cycles which is in accordance with Policy T5 of the LP. Given the size of the car park there is sufficient space to provide the refuse and cycle stores in a number of locations and provide a 10m bulky waste store. Details of one potential configuration are shown on drawing numbers: PL\_003\_240131 and PL\_008\_240121. The applicant confirms agreement to a condition to secure these details and/or a condition to secure alternative details as required by the Council. The use of conditions to secure refuse and cycle storage is in line with recent approvals at 114-116 Brighton Road (REF: 23/01329/GPDO), Capitan House, 1C Church Road (REF: 23/00402/GPDO) and International House, 5 Brighton Road (23/02899/GPDO). The scheme at International House was granted subject to the following condition:

*“Prior to first occupation of any dwelling, full details of the following shall be submitted to and approved in writing by the Local Planning Authority. a) Full details of short and long stay cycle parking provision including the number and type of cycle stands. b) A Refuse Management Plan to include full details of the refuse stores, including the size and number of bins, collection arrangements, as well as a dedicated area for the storage of bulky waste. The development shall only be implemented in accordance with the approved details and thereafter retained for so long as the development remains in existence”*

The approval at International House followed refusal of a previous scheme (22/00258/GPDO) which was later allowed on appeal (Copy of appeal decision at Appendix C). The Planning Inspector imposed the same condition as that above on the appeal decision. The wording is therefore considered appropriate, and the applicant confirms agreement to a similar condition in order to secure suitable cycle and refuse storage.

- 5.8 In addition to the above, the site is located in a sustainable location within walking distance of a range of shops, services and employment opportunities. The area also benefits from a PTAL rating of 5. This, combined with the provision of cycle storage and a legal agreement to secure car free residential accommodation, ensures that the site is in a location where the need to travel is minimised and opportunities for non-car modes of travel maximised, in accordance with paragraphs 108-112 of the National Planning Policy Framework (NPPF).

#### **Land contamination**

- 5.9 The site was previously used as offices and the site history does not indicate any uses likely to result in contamination. The proposal is also for a change of use only. At the time of considering the previous application the case officer concluded that *“Given the nature of the proposal and that no groundworks are proposed, the development is not considered to have contamination risks as a result of the proposed change of use.”* It is therefore considered that land contamination is not a constraint to the current proposal.

### Flood risk

5.10 The fifth reason for refusing the previous application related to flood risk. The applicant has responded by retaining the ground floor as office accommodation (less vulnerable) and providing the residential units at first and second floors. The current scheme has also been reviewed by Nimbus Consultants who have prepared the Flood Risk Assessment (FRA) submitted in support of the application.

5.11 The FRA explains that the site is located within Environment Agency (EA) Flood Zone 3. Section 4.1 of the FRA continues to explain that the EA does not hold modelled flood data for the area. The EA response at Appendix B of the FRA also confirms that they do not have a record of any flooding taking place in the area. The FRA then continues to state that:

*“Looking at the ground levels along Brighton Road , it is unlikely that there is any actually flooding above ground in this area, there is no evidence to suggest that this site is located within a flow path of an emerging ephemeral river, which would appear on the surface seasonally or even after extreme prolonged or heavy periods of rainfall, and there has been no history of fluvial flooding at this site, therefore it can be concluded that there is actually a low risk of fluvial flooding at this site.*

*Furthermore, the client has proposed offices on the ground floor, where the use will be ‘less vulnerable’, and therefore all residential and more vulnerable uses are located on the first and second floor of the development. Therefore if the LLFA and Environment Agency insist that the fluvial flood risk is higher, then less vulnerable use is acceptable on the ground floor and there is no reason this flood risk assessment should not pass on fluvial flood risk grounds.”*

5.12 The FRA then assess other types of flooding (section 4.2-4.5), before discussing residual risks and mitigation measures (section 5). The suggested mitigation measures include the need to sign up to the EA flood warning system and measures relating to the design of vents, electricity equipment, heating equipment, joint seals and flood proof doors (section 5.2). As with other schemes, including that at International House (also located on Brighton Road and within Flood Zone 3), the necessary mitigation measures can be secured by way of a suitably worded planning condition. The scheme at International House was approved subject to the following condition:

*“The development hereby approved shall be carried out strictly in accordance with the recommendations contained within the Flood Risk Assessment (HLEF84382 July 2022) by RPS Group.”*

The above condition is the same as that imposed by the Planning Inspector when allowing the previous appeal at International House (Copy of appeal decision at Appendix C). The wording is therefore considered to be appropriate, and the applicant confirms agreement to a similar condition in order to secure implementation in accordance with the Nimbus Consultants FRA.

5.13 Having regard to the FRA, and subject to a planning condition, it is considered that the proposal complies with the aims and objectives of paragraphs 165-175 of the NPPF and policies SP6.4 and DM25 of the CLP.

#### **Commercial noise**

- 5.14 The previous application was submitted with a noise assessment prepared by HA Acoustics which made a series of recommendations. The assessment considers the entire building and is therefore relevant for the current proposal. The delegated report for the previous scheme confirms that the Environmental Health Officer reviewed the report and recommended that the suggest mitigation measures be implemented. The delegated report goes on to state that (paragraph 5.29): *“Had the proposal been considered acceptable, a condition would have been included to secure compliance with the document.”*. The applicant confirms agreement to a condition to secure implementation of the mitigation measures set out in the noise assessment.

#### **Conservation area impact**

- 5.15 The site is not located within a conservation area.

#### **Natural light**

- 5.16 The application is supported by an Internal Daylight Assessment prepared by NRG Consulting. The assessment considers the relevant BRE and British Standard guidance (pages 5 – 6), before setting out the methodology (pages 7 – 8). The assessment reports that levels of daylight in all habitable rooms exceed the relevant targets (page 10, section 5.1) and concludes that *“internal daylight levels should not be a constraint to the granting of planning permission”* (Page 11).

#### **Impact on area designated for industry, waste management or storage and distribution**

- 5.17 The surrounding area is not designated for industry, storage, distribution or waste related purposes.

#### **Loss of registered nursery or health centre**

- 5.18 The proposal does not result in the loss of a registered nursery or health centre.

#### **Fire risk condition**

- 5.19 The height of the building falls below 18m and therefore does not meet the fire risk condition.

#### **Nationally Described Space Standard (NDSS)**

- 5.20 In addition to the above conditions, the GPDO makes it necessary for all permitted development schemes to comply with the NDSS. Accordingly, all flats have been designed to be fully compliant with the NDSS.

#### **Other Matters**

- 5.21 The first reason for refusing the previous scheme related to a lack of information regarding the date the property was vacated. Since that time Class MA of the GPDO has been amended. The need for the property to be vacant for 3 months has now been revoked. This criteria is therefore no longer applicable.



5.22 The second reason for refusing the previous scheme related to the fact that physical alterations to the exterior of the building were proposed. These alterations fell outside the scope of Class MA of the GPDO. The current proposal is for change of use only. The scheme does not involve any alterations to the exterior of the building.

## **6.0 Conclusions**

6.1 In conclusion, it is considered that the proposal complies with the requirements of Schedule 2, Part 3, Class MA of the Town and Country Planning (General permitted Development) (England) Order 2015 (As Amended).

## Appendix A



Development Management  
Sustainable Communities, Regeneration and  
Economic Recovery Department  
6th Floor, Bernard Weatherill House  
8 Mint Walk  
Croydon CR0 1EA

Mr Alex Locke  
Planning Consent UK  
155 Parkside Avenue  
Bexleyheath  
DA7 6NP

Please ask for/reply to: Jeni Cowan  
Tel/Typetalk: 020 8726 6000 Ext  
Minicom: 020 8760 5797  
Email: development.management@croydon.gov.uk

Your ref:  
Our ref: P/PC/Central Area Team/DCJZC

Date: 5th June 2023

**The Town and Country Planning (General Permitted Development) (England)  
Order 2015**

**Application Number:** 23/01224/GPDO    **Applicant:** Mr Sundeep Maker

**NOTIFICATION OF PRIOR APPROVAL REFUSED**

I refer to your application which was received on 27th March 2023 and write to inform you that the Council of the London Borough of Croydon, as the Local Planning Authority, have resolved that your application for prior approval as detailed below and in accordance with the information that the developer provided to the local planning authority has been refused for the following reason(s): -

- 1     No evidence has been provided to demonstrate that the building has been vacant for a continuous period of at least three months immediately prior to the date of this application for prior approval being submitted, contrary to MA.1 (1) (a) of Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 2     The proposed development includes external alterations to the building. The proposed development therefore falls outside of the scope of Class MA, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 and does not constitute permitted development.
- 3     The proposal fails to demonstrate that adequate cycle and refuse storage would be provided and has not demonstrated that there is sufficient space to meet such a requirement. As such, there is insufficient certainty that this could be achieved and the proposal therefore fails to promote sustainable modes of transport and provide acceptable cycle parking and refuse storage

arrangements, contrary to policies DM10, DM13, DM29 and DM30 of the Croydon Local Plan (2018), Croydon's Waste and Recycling in Planning Policy Document (2018), policy T5 of the London Plan (2021) and Paragraph MA.2 (2) (a) of Class M, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended).

- 4 It has not been demonstrated that adequate natural light would serve all habitable rooms and the proposal thereby fails to comply with Condition MA.2.—(1)(f) of Class MA of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and conflicts with Policy D6 of the London Plan 2021, and Policies SP4 and DM10 of the Croydon Local Plan 2018.
- 5 The application has failed to demonstrate that the proposed dwellings would not be at risk of flooding. The proposal would therefore be contrary to Condition MA.2.—(2)(c) of Class MA of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 and conflicts with Policy DM25 of the Croydon Local Plan and Policy S112 of the London Plan.
- 6 In the absence of a legal agreement, the application does not offer a means to prevent increased car use in the Controlled Parking Zone. The proposal would thereby be contrary to condition MA.2 (2) (a) of Class MA of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended); policies T1, T2, T4, and T6 of the London Plan (2021); policies DM29 and DM30 of the Croydon Local Plan (2018).

Informative(s):

- 1 IMPORTANT ADVICE RELATING TO THIS APPLICATION IN THE EVENT OF AN APPEAL AGAINST THE COUNCIL'S DECISION

Community Infrastructure Levy.

- A. You are advised that under the Community Infrastructure Levy Regulations 2010 on commencement of the development a financial payment will be required to Croydon Council and the Mayor of London. The payment to the Mayor of London will be forwarded by Croydon Council.
- B. A separate Liability Notice will be issued to any person who has assumed liability for the payment. If no person or body has already assumed liability then within 14 days of an appeal being allowed the names and addresses of

the person(s) responsible for the CIL payment should be forwarded to the Council using the agreed forms which can be obtained from the planning portal from the link below.

[www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

C. If no person or body has assumed liability, payment will be required from the owner of the land at the time of commencement of works. It should be noted that for the purpose of the above regulations commencement of the development will comprise any works of demolition necessary to implement the planning permission.

D. For further information please visit the Croydon Council's website at:  
[www.croydon.gov.uk/cil](http://www.croydon.gov.uk/cil)

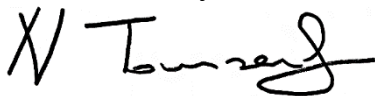
Details of application: -

Change of use from office (Use Class E) to residential (Use Class C3) to provide 6no. flats under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and associated works

at:

33 Brighton Road, South Croydon, CR2 6EB, ,

Yours faithfully,



**Nicola Townsend**

Head of Development Management

Drawing No's: Elevations 33BRC015 Received , Sections 33BRC017 Received , Elevations 33BRC016 Received , Site plan 33BRC122 Received , Location Plan 33BRC001 Received , Floor plans 33BRC011 Received , Site plan 33BRC010 Received , Roof plan 33BRC012 Received , Floor plans 33BRC123 Received , Elevations 33BRC125 Received , Roof plan 33BRC124 Received , Sections 33BRC127 Received , Elevations 33BRC126 Received , Block Plan 33BRC002 Received ,

**Appeals to the Secretary of State - Notes for applicants**

**Applicants for Planning Permission.**

(A) If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

(B) As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice, using a form which you can obtain from the Planning Inspectorate.

(C) Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

(D) The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

(E) The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

(F) In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

(G) If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

### **Purchase Notices.**

(A) If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by carrying out any development which has been or would be permitted.

(B) In these circumstances, the owner may serve a purchase notice on the London Borough Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.

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## Appendix B

Application No. 23/01224/GPDO - 33 Brighton Road, South Croydon, CR2 6EB, ,

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## 1. SUMMARY

1.1 This report concerns an:

Application to determine if prior approval is required for a proposed: Change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3) for:

Change of use from office (Use Class E) to residential (Use Class C3) to provide 6no. flats under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and associated works

## 2. DECISION

**(Approval) refused** Reason(s) for refusal :-

- 1 No evidence has been provided to demonstrate that the building has been vacant for a continuous period of at least three months immediately prior to the date of this application for prior approval being submitted, contrary to MA.1 (1) (a) of Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 2 The proposed development includes external alterations to the building. The proposed development therefore falls outside of the scope of Class MA, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 and does not constitute permitted development.
- 3 The proposal fails to demonstrate that adequate cycle and refuse storage would be provided and has not demonstrated that there is sufficient space to meet such a requirement. As such, there is insufficient certainty that this could be achieved and the proposal therefore fails to promote sustainable modes of transport and provide acceptable cycle parking and refuse storage arrangements, contrary to policies DM10, DM13, DM29 and DM30 of the Croydon Local Plan (2018), Croydon's Waste and Recycling in Planning Policy Document (2018), policy T5 of the London Plan (2021) and Paragraph MA.2 (2) (a) of Class M, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended).
- 4 It has not been demonstrated that adequate natural light would serve all habitable rooms and the proposal thereby fails to comply with Condition MA.2.—(1)(f) of Class MA of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and conflicts with Policy D6 of the London Plan 2021, and Policies SP4 and DM10 of the Croydon Local Plan 2018.
- 5 The application has failed to demonstrate that the proposed dwellings would not be at risk of flooding. The proposal would therefore be contrary to Condition MA.2.—(2)(c) of Class MA of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 and

conflicts with Policy DM25 of the Croydon Local Plan and Policy SI12 of the London Plan.

- 6 In the absence of a legal agreement, the application does not offer a means to prevent increased car use in the Controlled Parking Zone. The proposal would thereby be contrary to condition MA.2 (2) (a) of Class MA of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended); policies T1, T2, T4, and T6 of the London Plan (2021); policies DM29 and DM30 of the Croydon Local Plan (2018).

### **Informative(s):**

- 1 IMPORTANT ADVICE RELATING TO THIS APPLICATION IN THE EVENT OF AN APPEAL AGAINST THE COUNCIL'S DECISION

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B. A separate Liability Notice will be issued to any person who has assumed liability for the payment. If no person or body has already assumed liability then within 14 days of an appeal being allowed the names and addresses of the person(s) responsible for the CIL payment should be forwarded to the Council using the agreed forms which can be obtained from the planning portal from the link below.

[www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

C. If no person or body has assumed liability, payment will be required from the owner of the land at the time of commencement of works. It should be noted that for the purpose of the above regulations commencement of the development will comprise any works of demolition necessary to implement the planning permission.

D. For further information please visit the Croydon Council's website at:  
[www.croydon.gov.uk/cil](http://www.croydon.gov.uk/cil)

### **Officer Report:**

#### **3. BACKGROUND**

##### **(a) Proposal**

- 3.1 Change of use from office (Use Class E) to residential (Use Class C3) to provide 6no. flats under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and associated works.

##### **(b) Site Description**

- 3.2 The application site consists of a three storey building within the business development of The Pavilions. The site is not within any local plan designations.

### **(c) Relevant Planning History**

3.3 05/02730/P – Permission Granted – 24.08.2005

Use for purposes within class B1 (business)

3.4 94/01535/P – Permission Granted – 18.01.1995

Use of ground floor for purposes within class d1(a)

## **4 CONSULTATIONS**

4.1 A total of 35 neighbouring properties were notified about the application and invited to comment. The application has also been publicised on site by way of a site notice. A total of 9 representations were received, all of which were in objection to the scheme. The table below sets out the comments received:

<b>Objection Comment</b>	<b>Officer Response</b>
The doors should not be boarded up; also, false panels would be less thermally efficient.  Proposed staircase is out of character to the other units and would impact on the appearance of the estate.	This is a material consideration, in the context that operational development is not permitted as part of the application.  This will be addressed within the body of the report.
No domestic waste and recycling bin storage.	This will be addressed within the body of the report.
The gates are locked in the evenings (during Silent Hours), which would prevent residents from accessing their parking spaces.	This is not a material consideration as part of this application.
Parking incorrectly shown on plans. No parking provision for Parking 1 and 2.	The application is assessed on the information provided.
Proposed staircase would restrict access to the right of way available to occupants of the other premises surrounding the common areas.	This is not a material consideration as part of this application.
Premises legally bound to pay an annual estate service charge to Pavilions Croydon Management; it is not clear who will pay for this.	This is not a material consideration as part of this application.
Neighbour consultation letters not received	This was noted during the course of the application and corrected.
Another site within the development was converted to residential and has had a negative impact on the area	This is not a material consideration as part of this application.
No communal amenity space for future residents or playspace; poor quality of	There is no requirement under Class



## 5 CONSIDERATIONS

5.1 This is an application for prior approval to determine whether the proposed development constitutes permitted development under Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Importantly it should be noted that the only material planning issues which can be considered under this application relate to those which the prior approval of the local planning authority is required (as set out under paragraph 5.5 of this report).

### *Permitted Development*

5.2 Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

5.3 Development not permitted:

- a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;
- b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;
- c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;
- d) if land covered by, or within the curtilage of, the building –
  - i. is or forms part of a site of special scientific interest;
  - ii. is or forms part of a listed building or land within its curtilage;
  - iii. is or forms part of a scheduled monument or land within its curtilage;
  - iv. is or forms part of a safety hazard area; or
  - v. is or forms part of a military explosives storage area;
- e) if the building is within –
  - i. an area of outstanding natural beauty;
  - ii. an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981'
  - iii. the Broads;
  - iv. a National Park; or

- v. a World Heritage Site;
- f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or
- g) before 1 August 2022, if –
  - i. the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and
  - ii. the development would not have been permitted under Class O immediately before 1<sup>st</sup> August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

5.4 In relation to paragraph (a), the application form sets out that the building has been vacant for a continuous period of 3 months. However, no supporting information has been submitted. Officers have undertaken an analysis using the Business Tax Valuations and the Companies House register; business tax is currently being paid on the property; however, no businesses are registered to the site. It is noted that the last 3 companies registered to the site dissolved in 2019, however, google streetview shows that the building was open with the shutters up in October 2020. There was also a To Let sign on the property at this time, but officers have been unable to find records regarding this. Given that the application does not have clear information on whether the property has been in use from 27.12.2022, and this is ambiguous, this is considered to be non-compliant and will form a reason for refusal.

5.5 In relation to paragraph (b) the previous use of the building fell within a use class specified in subparagraph (2) for a continuous period of at least 2 years – there is no information submitted in this regard, however, given that previous uses on the site would be in accordance with this paragraph, officer would consider that this complies.

5.6 The proposal does not fall foul of any of the other criteria set out above (c) to (g).

### **Conditions**

5.7 MA.2 – (1) Development under Class MA is permitted subject to the following conditions–

5.8 (2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to–

- a) transport impacts of the development, particularly to ensure safe site access;
- b) contamination risks in relation to the building;
- c) flooding risks in relation to the building;
- d) impacts of noise from commercial premises on the intended occupiers of the development;
- e) where –

- i. the building is located in a conservation area, and
  - ii. the development involves a change of use of the whole or part of the ground floor,

the impact of that change of use on the character or sustainability of the conservation area;
- f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;
- h) where the development involves the loss of services provided by –
  - i. a registered nursery, or
  - ii. a health centre maintained under section 2 or 3 of the National Health Services Act 2006, the impact on the local provisions of the type of service lost; and
- i) where the development meets the fire risk condition, the fire safety impacts on the intended occupiers of the building.

The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph.

Development under Class MA is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

5.9 With the exception of paragraphs (g) and (h), which are not relevant in this instance, the aforementioned matters are discussed further under the subsequent headings.

5.10 (3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

5.11 (4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if –

(a) for paragraph (e) of sub-paragraph (2) there were substituted—

“(e) where—

(i) sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment;

(ii) sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development,”;

(b) in the introductory words in sub-paragraph (5), for “and highways impacts of the development” there were substituted “impacts of the development, particularly to ensure safe site access”;

(c) after sub-paragraph (6) there were inserted—

“(6A) Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.”;

(d) in sub-paragraph (7) for “(5) and (6)” there were substituted “(5), (6) and (6A)”;

5.12 (5) Development must be completed within a period of 3 years starting with the prior approval date.

5.13 (6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.”

### **Interpretation of Class MA**

5.14 MA.3. Development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development relates to a building which will—

(a) contain two or more dwellinghouses; and

(b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

5.15 An important Statutory Instrument (2020 No.1243) which made amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015 in relation to space standards came into effect on 6 April 2021:

5.16 In article 3, after paragraph (9) insert—

5.17 “(9A) Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—

(a) where the gross internal floor area is less than 37 square metres in size; or

(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

(9B) The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.”

5.18 Therefore, the nationally described space standards will also be a consideration for the Council in determining this application.

5.19 Paragraph ‘W’ outlines the procedures for applications for prior approval under Part 3 and it addresses the assessment for transport, flooding and contamination impacts respectively. These are addressed below:

**a) transport impacts of the development, particularly to ensure safe site access;**

- 5.20 The site is located in an area with a PTAL of 6a, which is excellent. The site is within the West Permit Zone CPZ. Brighton Road has restricted parking, with no waiting nor loading, and parking is on a 2-hour maximum basis, with pay on street available within certain times. In respect of trip generation given the scale of the proposed development and its well-connected location, the proposal is not expected to have a material impact upon the surrounding transport network, above the current levels.
- 5.21 LP policy T6.1 states that all areas with a PTAL of 6 should be car free. The development site that the application site is situated within, has parking to the rear. The proposed plans demonstrate that there would be 2no. spaces in the front of the property, and 6no. allocated spaces in various locations to the rear. The parking to the front is informal, as there does not appear to be any parking perimeters painted on the ground, nor is there a dropped kerb. The spaces to the front of the site would have a width of 2.3m, which is insufficient as this should be at least 2.4m, however, more space should be given (3m) as it is alongside a hard boundary (the building). While these spaces are shown on the existing plan, this would not be sufficient to permit this continued use. Additionally, space 4 would be unusable given that the external stair is proposed in this location. Therefore, the total provision of car parking spaces (removing the aforementioned 3no. spaces) would be 5no. spaces for the proposal. Given that the allocated parking spaces are within private land and would be controlled by the landowner, and also the spaces would not be created specifically for the development, officers do not raise an objection to the provided spaces. However, given that the site is within a CPZ, had prior approval been granted, a section 106 agreement would be required to restrict future occupiers from gaining parking permits; the absence of this agreement will form a reason for refusal. It should also be noted that the car parking spaces are outside of the red edging of the boundary line, therefore, are also outside of the control of the LPA.
- 5.22 The proposal does not demonstrate any cycle parking spaces. Given the limited space within the site to provide this, officers cannot be comfortable that this could be dealt with by way of a condition, therefore, this must form a reason for refusal. Additionally, waste/recycling bins and associated storage, and bulky waste storage have not been demonstrated on the plans. Similarly to the cycle parking, the lack of information on this aspect would need to form a reason for refusal.
- 5.23 In conclusion, the proposal is not acceptable in terms of transport impacts, as there is no provision for cycle parking and waste/recycling provision, which could impact on transport matters if not adequately provided. Additionally, the application would not be secured with a S106 agreement with regards to parking permit restrictions. These aspects will form reasons for refusal.

**b) contamination risks in relation to the building;**

- 5.24 Given the nature of the proposal and that no groundworks are proposed, the development is not considered to have contamination risks as a result of the proposed change of use.

**c) flooding risks in relation to the building;**

- 5.25 The application site is located in Flood Zone 3; it is also at high risk of surface water flooding and high risk of flooding from rivers and the sea. The applicant submitted an

Environment Agency Flood map for planning document; this confirms the flood risks identified. However, the applicant has not submitted a flood risk assessment.

5.26 The plans demonstrate that some mitigation measures will be carried out, specifically on the front and rear elevations:



5.27 Given the lack of commentary and information on why these measures were identified to be necessary, and what specifically these measures would contribute towards limiting flood risk, it's considered that this aspect is not acceptable, and refusal is recommended on this basis.

**d) impacts of noise from commercial premises on the intended occupiers of the development;**

5.28 The application was submitted with a Noise Assessment (Façade Noise Exposure Assessment (ref: HA/AE917/V1, dated 20 March 2023)). This has been reviewed by

the environmental health team. It's advised that the recommendations set out in this document are implemented.

- 5.29 The document sets out the existing sound levels and compared these to the current standards. The building would not be capable of achieving the required standards; therefore, mitigation is required. This would involve façade sound insulation, window measures, and building construction. These aspects would be sufficient to meet the standards. Had the proposal been considered acceptable, a condition would have been included to secure compliance with the document.

**e) where –**

**the building is located in a conservation area, and**

**the development involves a change of use of the whole or part of the ground floor,**

**the impact of that change of use on the character or sustainability of the conservation area;**

- 5.30 The proposal is not within a conservation area.

**f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;**

- 5.31 Each habitable room would be served by windows which would be situated mainly on the eastern, southern, and western elevations of the building, with windows also on the northern elevation at second floor (some of which do not exist). It's considered that the windows are in a good position to ensure adequate light is received. Two out of six units would be single aspect; one of which would be located beside the proposed external staircase. Officers are not convinced that flat 1 would receive adequate natural light to habitable rooms.

- 5.32 The proposed change of use also includes changes to the elevations, to install more windows where they currently do not exist; for example, the southern (side) elevation, where there are three windows, and this would be increased to five.

- 5.33 Elevational changes are not permitted under Class MA; they would require a separate planning permission and there is an insufficient degree of certainty that these could be provided. As the provision of adequate natural light is reliant on the installation of these additional windows, it is therefore recommended that prior approval should be refused.

- 5.34 Additionally, there are elevational changes to the rear, which are not intended to improve upon the quality of accommodation, rather they relate to flooding risk. However, ultimately, such building works constitutes operational development. Class MA only allows for the change of use of the building and does not make any provision of external alterations to the application building. As such, the proposed development does not constitute permitted development.

- 5.35 **g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or**

**heavy industry, waste management, storage and distribution, or a mix of such uses;**

5.36 The site is not within an area which is important in terms of general or heavy industry, waste management, storage and distribution, or a mix of such uses. As such, the proposal would conform with this element.

**h) where the development involves the loss of services provided by –**

**a registered nursery, or a health centre maintained under section 2 or 3 of the National Health Services Act 2006,**

**the impact on the local provisions of the type of service lost;**

5.37 The proposal would not result in the loss of these services.

5.38 **i) where the development meets the fire risk condition, the fire safety impacts on the intended occupiers of the building.**

5.39 The application has not been accompanied by a fire statement. This is generally required on all development (in accordance with LP policy D12 A), therefore, had the application been considered acceptable, this would have been dealt with by way of a condition.

#### 5.40 **Nationally Described Space Standards**

5.41 The national described space standards are applied to the current proposal, as required by paragraphs 9A and 9B of Article 3. The table below sets out the unit mix, the measured gross internal floor area (GIA), and the minimum requirement set out in the NDSS.

<b>Unit</b>	<b>Mix</b>	<b>GIA</b>	<b>NDSS GIA</b>
1	1B/2P (2 storeys)	60.6sqm	58sqm
2	2B/4P (2 storeys)	76.29sqm	79sqm
3	2B/4P (2 storeys)	86.76sqm	79sqm
4	1B/1P	37.49sqm	37sqm
5	1B/1P	37.33sqm	37sqm
6	1B/1P	37.93sqm	37sqm

5.42 All units meet the minimum NDSS standards, and this aspect is therefore acceptable.

#### **Recommendation**

5.43 Based on the above, the proposed development does not comply with Part 3, Schedule 2, Class MA of the Town and Country Planning (General Permitted Development (Amendment) (England) Order 2015.

Case Officer: Jeni Cowan Tel: 020 8726 6000 Ext  
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## Appendix C



## Appeal Decision

Site visit made on 2 March 2023

**by A M Nilsson BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 MAY 2023**

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**Appeal Ref: APP/L5240/W/22/3299731**

**5 Brighton Road, Croydon CR2 6EA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Inspire Property Investments against the decision of London Borough of Croydon.
  - The application Ref 22/00258/GPDO, dated 21 January 2022, was refused by notice dated 21 March 2022.
  - The development proposed is the change of use of part of an existing three storey office building (Class E) to residential accommodation (C3) under Class MA of the Permitted Development Rights (England) to provide 16no. residential units with associated refuse storage, cycle storage and disabled parking.
- 

### Decision

1. The appeal is allowed and prior approval is granted for the change of use of part of an existing three storey office building (Class E) to residential accommodation (C3) under Class MA of the Permitted Development Rights (England) to provide 16no. residential units with associated refuse storage, cycle storage and disabled parking at 5 Brighton Road, Croydon, CR2 6EA in accordance with the terms of the application, Ref 22/00258/GPDO, dated 21 January 2022, subject to the following conditions:
  - 1) Prior to the commencement of development, a Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the Local Planning Authority. The CLP shall include the following information for all construction phases of the development: a) Hours of construction; b) Hours of deliveries; c) Parking of vehicles associated with deliveries, site personnel, operatives and visitors; d) Facilities for the loading and unloading of plant and materials; e) Details of any site hoardings; f) Details of the precautions to guard against the deposit of mud and substances on the public highway; g) Dust control methods; h) Delivery routes for site traffic. All construction phases of the development shall be carried out strictly in accordance with the details so approved.
  - 2) Prior to first occupation of any dwelling, full details of the following shall be submitted to and approved in writing by the Local Planning Authority. a) Full details of short and long stay cycle parking provision including the number and type of cycle stands. b) A Refuse Management Plan to include full details of the refuse stores, including the size and number of bins, collection arrangements, as well as a dedicated area for the storage of bulky waste. The development shall only be implemented in accordance with the approved

details and thereafter retained for so long as the development remains in existence.

- 3) Notwithstanding the approved layout, the parking space indicated 'disabled bay is also for service vehicles' shall not be used for vehicular parking or any other installation to allow for vehicles to manoeuvre within the site. The remaining car parking spaces shall be provided as specified in the application prior to occupation of the proposed development. The parking spaces shall be permanently retained exclusively for its designated purpose.
- 4) The development hereby approved shall be carried out strictly in accordance with the recommendations contained within the Flood Risk Assessment (HLEF82384 December 2021).

### **Preliminary Matters**

2. Class MA of Schedule 2, Part 3, of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) grants planning permission for the change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order subject to a number of requirements and conditions.
3. One of the requirements is that the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval and one of the conditions is that before beginning development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the transport impacts of the development, particularly to ensure safe site access.
4. The Council refused prior approval as they considered that insufficient evidence had been submitted to demonstrate that the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application, and that the development would cause unacceptable transport impacts.
5. Since their original decision, following the submission of further evidence, the Council agree that the building was vacant for the 3 months prior to the date of the application. I have no reason to form a different view.
6. Development plan policies and the National Planning Policy Framework (the Framework) can be considered relevant in prior approval cases, but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis.
7. On the 25 July 2022 the Council revoked their Suburban Design Guide Supplementary Planning Document 2 (SPD2). This document, as referred to in the Council's decision notice, therefore has no weight in the appeal.

### **Main Issue**

8. The main issue is therefore whether prior approval should be granted having regard to the transport impacts of the proposed development.

## Reasons

9. The appeal property is a three-storey office building. It is located in Brighton Road which is a busy street made up of commercial and residential properties. The property has an undercroft access to the rear where there is an existing hardstanding area. It is proposed to utilise the land to the rear for cycle parking, disabled parking and servicing.
10. It is outlined that the site has a PTAL (Public Transport Accessibility Level) rating of 6a which indicates that it has extremely good connectivity. The site is within a Controlled Parking Zone (CPZ) and there is a single yellow line on the road in front of the property and much of Brighton Road around the appeal site with double yellow lines elsewhere. There is a bus route and cycle route in front of the property.
11. At the time of my visit, there was no on-street parking occurring on Brighton Road. There are parking bays for permit holders on Nottingham Road which is close to the appeal property.
12. The proposed development would convert most of the existing building into 16no. residential flats. A small office area would remain on the ground floor.
13. The Council refused to grant prior approval as they considered, amongst other things, that insufficient details were submitted in relation to waste management to ensure that there would not be unacceptable transport impacts arising from the proposed development.
14. The proposed site plan shows that refuse and recycling storage containers would be sited in a recessed area of the undercroft. An access to the rear of 2.8 metres in width would remain. The appellant has set out how the capacity that would be provided would be sufficient to serve the proposed development. There is no substantive evidence that the capacity that would be provided, to be stored in this location, would have unacceptable transport impacts.
15. The Council consider that the storage of containers on the highway would lead to conditions prejudicial to highway safety due to the potential conflict with road and footpath users. I agree that were this scenario to play out, there would indeed be a potential conflict. To this end, I consider that it would be reasonable and necessary to impose a planning condition requiring the submission of a refuse management plan to outline how refuse collection and storage would operate, to ensure that this does not cause unacceptable transport impacts.
16. The Council have highlighted how the swept-path manoeuvring showing how vehicles would enter and exit the site in a forward gear would only work for a larger vehicle when one of the three disabled bays is empty, of which there can be no guarantee. The Council also comment that to comply with the relevant policy 2 or 3 disabled bays should be provided on site. As three have been proposed, it would not be unreasonable to impose a condition to ensure that notwithstanding the submitted layout, the third standalone bay should not be used as parking in order to allow vehicle manoeuvring within the site.
17. The Council refused to grant prior approval for, amongst other reasons, the transport impacts due to the absence of a legal agreement to prevent increased car usage in the Controlled Parking Zone (CPZ).

18. The appellant has submitted a Unilateral Undertaking (UU) which would prevent future occupants from obtaining residential parking permits. It is necessary for me to consider in the planning balance whether or not the agreement provides the necessary mitigation measures to prevent the refusal of prior approval due to its transport impacts.
19. The Council have reviewed the UU and confirmed that they are happy with the document which has been collaboratively drafted between them and the appellant and reflects what was agreed between the parties.
20. Based on the submitted evidence, and for the reasons given above, I therefore conclude that the proposed development would not result in unacceptable transport impacts. It would comply with the requirement of the Framework that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. It would also comply with the relevant aims of Policies D6, SI7, T1, T2, T4, and T6 of the London Plan (2021) and Policies DM10, DM13, DM29 and DM30 of the Croydon Local Plan (2018) in terms of ensuring developments do not have unacceptable transport impacts.

### **Other Matters**

21. I note representation received in relation to the access to flats and lift by disabled people due to stairs, and therefore there would be no disabled compliant units. This is not one of the matters for consideration in an application for prior approval and would be covered by other legislation. Similarly, the provision of amenity space is not a subject matter in an application for prior approval.

### **Conditions**

22. Any planning permission granted under Article 3(1) and Schedule 2, Part 3, Class MA is subject to the condition that it must be completed within a period of 3 years starting with the prior approval date and that it is carried out in accordance with the approved details. Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse. It is not necessary to repeat these conditions in this decision.
23. Paragraph W.13 allows conditions reasonably related to the subject matter of the prior approval to be imposed.
24. In the interests of transport and highway safety, conditions relating to the construction phase of the development, the site layout, refuse management and cycle parking are necessary. In the interests of protecting development from flood risk, or an increase in flood risk, a condition requiring compliance with the recommendations of the flood risk assessment is also necessary.
25. Although contamination risks in relation to the building is a relevant matter for consideration in the application for prior approval, the proposed development is for the change of use of the building from office to residential with associated external works to accommodate vehicle and cycle parking, as well as refuse storage. The appellant has highlighted that none of the proposed works will involve any intrusive groundworks or significant landscaping. On this basis a

condition relating to submission of a land contamination report is not necessary.

26. The fire safety impacts are applicable when a development meets the fire risk condition which, due to the overall building height, is not applicable in this instance. Therefore the condition suggested by the Council in relation to a fire statement is not necessary.
27. Whilst the impacts of noise from commercial premises on the intended occupiers of the development is a relevant consideration, there is no substantive evidence to suggest that this is a pertinent matter in this appeal that would warrant the imposition of the sound insulation condition specified by the Council. Furthermore, this matter would be covered by other legislation as outlined in the Council's suggested condition.
28. Other conditions suggested by the Council, or its consultees are not reasonably related to the subject matter of the prior approval and therefore I have not imposed them.

### **Conclusion**

29. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed and prior approval should be granted.

*A M Nilsson*

INSPECTOR