

Planning Statement

1a Brighton Road
Croydon
CR2 6EA

28th September 2023



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Introduction

1. Introduction

- 1.1. This Planning Statement is presented in support of an outline planning application for a proposed 5-storey residential development at 1a Brighton Road. The focus of this application is on scale only, with all other matters reserved for later consideration.
- 1.2. This application has been submitted as a result of the refusal of application 22/04955/OUT which is now under appeal with the Planning Inspectorate.
- 1.3. In acknowledging the planning authority's objections to the previous application, some refinements have been introduced, particularly concerning the scale and massing at the rear. This represents the sole area where the applicant concedes that the planning authority has the ability to argue that it applied planning judgement. The applicant continues to reject the vast majority of the reasons for refusal of application 22/04955/OUT and therefore the enhancements are limited to specific aspects of the scheme.
- 1.4. Whilst the applicant believes that the planning judgement applied was both flawed and even unreasonable and is confident that the planning inspector will differ in their application of planning judgement, this resubmission intends to address concerns that it believes can be mutually accepted to accelerate the approval process.
- 1.5. In all other aspects, the application is in outline form only with all matters reserved except for scale. The applicant has devoted a substantial section of this planning statement to explaining the outline planning framework given the planning authority's failure to properly adhere to the limitations of the framework when determining 22/04955/OUT.
- 1.6. Any floor plans or elevations provided within the supporting drawings or reports are for illustrative purposes only and should not be assessed or relied upon when assessing the merits of the outline application as layouts are subject to change significantly.
- 1.7. Subsequent sections of this statement delve into various aspects of the proposal:
 - 1.7.1. Site Context & Proposal Overview: Providing a description of the site's current status and a general overview of the intended development.
 - 1.7.2. Planning History: Highlighting previous planning applications related to the site, enabling a comprehensive understanding of its developmental journey.
 - 1.7.3. Design Evolution: Explaining how the current scale was reached, referencing relevant feedback from previous application.

- 1.7.4. Planning Policy Context: Aligning the proposal with the guidelines set by the NPPF, London Plan 2021, and Croydon Plan 2018.
 - 1.7.5. Sustainability Assessment: A commitment to ensuring environmentally-friendly design principles, incorporating passive design measures, and addressing water usage and transport considerations.
 - 1.7.6. Daylight/Sunlight Assessment: Assessing the sunlight and daylight impact on neighbouring properties.
- 1.8. This statement serves as a comprehensive document presenting the proposal's details, its alignment with relevant policies and its commitment to sustainability and enhancement.

The Site

2. The Site

- 2.1. The subject site located on the eastern side of Brighton Road and has been demolished and cleared. The site's frontage to Brighton Road is approximately 18.9m.
- 2.2. To the north of the site at the junction of Brighton Road and South End is the former Swan and Sugarloaf Public House, the ground floor of which is now occupied by a Tesco Express Store. This property is a locally Listed building. The land adjoining the former Public House is owned by the applicant.
- 2.3. There are no listed buildings in the immediate vicinity, the nearest is the Church of St Peter some way to the east.
- 2.4. The site has a PTAL Rating of 6a and is within 0.3 miles of South Croydon Station, with a number of bus services stopping immediately outside of the site. The site is within the Brighton Road / Selsdon Road Local Centre, and Archaeological Priority Area (APA) and a Local Heritage Area. The site is also split between Flood Zone 2 and Flood Zone 3.

Planning History

3. Planning History

- 3.1. 13th January 2022: Planning permission granted (ref: 19/04199/FUL) for "Demolition of existing showroom, erection of a four storey development consisting of two ground floor commercial units (A1) and 17 residential units with ancillary landscaping, play space, cycle and refuse storage."
- 3.2. 18th Apr 2019: Planning permission (ref: 18/05384/FUL) granted for "Demolition of the existing showroom and erection of a three/four storey development consisting of 321sqm ground floor commercial space and 9 no. residential units (4 x two bedroom and 5 x three bedroom) with associated bins, cycles and landscaping, including communal amenity space and play space to the rear."
- 3.3. 7th Sep 2018: Planning permission (ref: 17/04790/FUL) refused for "Demolition of existing one/two storey showroom (A1) building, and erection of four storey building accommodating 190sqm retail space at ground floor level and 21 self-contained residential units (C3), with associated landscaping and disabled parking bays.". An appeal has been lodged and the outcome is awaited.
- 3.4. 18th Feb 2009: Planning permission (ref: 08/03634/P) refused for "Demolition of existing building; erection of a 3-4 storey mixed use development comprising 462 sq m (4,970 sq ft) of retail space on the ground floor with 14 two bedroom flats above; formation of vehicular access and provision of 14 parking spaces." A subsequent appeal was dismissed.
- 3.5. 19th Jun 2003: Planning permission (ref: 03/01377/P) granted for "Use as motor showroom"

Outline Planning

4. Outline Planning

Introduction

4.1. Introduction

- 4.1.1. This section focusses on the key principles of outline planning permission, a critical component within the UK planning system. Outline planning permission is designed to establish the basic principles and scale of a proposed development, without needing to delve into detailed aspects such as the architecture or layout at an initial stage. The primary intention is to ascertain whether or not the development is, in broad terms, acceptable to the local planning authority.
- 4.1.2. The impetus for articulating this discourse on the construct of outline planning permission arises from observed deficiencies within the planning authority's cognisance of the bounded extent of their authority when determining an outline planning application. The applicant has advanced multiple such applications within the borough, and a discernible pattern has manifested wherein the planning authority recurrently conflates issues which ought to be deferred for deliberation at the reserved matters stage with those relevant to the outline application stage.
- 4.1.3. The purpose of this section is to equip the applicant with a comprehensive and robust argument, should the planning authority overstep or misconstrue the demarcated confines of an outline application in their decision-making process. By doing so, the applicant is poised to illustrate to the planning inspectorate that substantial endeavours have been employed to assist the planning authority in comprehending not only the underpinning legislation, but also the relevant case law.
- 4.1.4. The legislative framework surrounding outline planning applications is primarily governed by the Town and Country Planning Act 1990 ('TCPA 1990'). The Act, in conjunction with the Planning and Compulsory Purchase Act 2004, provides the legal basis for the entire planning system within England and Wales. Subsequent changes and refinements have been introduced through secondary legislation, including the Town and Country Planning (Development Management Procedure) (England) Order 2015 and associated planning policy guidance notes.
- 4.1.5. When an application for outline planning permission is submitted, the focus should only be on those issues that are designated for determination.
- 4.1.6. The outline planning process is designed to allow the general principle of proposed development to be evaluated and either accepted or rejected without the need for

the applicant to incur significant costs in producing detailed plans and comprehensive reports that are required for a full planning application. It is a way of determining, at an early stage, whether a proposal is likely to be approved by the planning authority, before any significant expenses are incurred.

- 4.1.7. The benefit of this process, particularly in the context of a new residential development, is that it provides an opportunity to agree on the broad parameters of the development. Outline planning permission is suitable for both minor developments as well as larger, more complex schemes where there is a need to establish the broad principles and scale of the proposal before proceeding to the detailed design stage.
- 4.1.8. Obtaining outline planning permission does not provide the legal consent to commence development. A further step, known as 'reserved matters', is required where the finer details of the development are submitted for approval. The matters to be reserved could include the appearance, landscaping, layout, and scale of the development, to the extent that they were not approved at the outline permission stage.

Principle (All matters reserved)

4.2. Principle (All matters reserved)

- 4.2.1. An application for outline planning consent where all matters are reserved is essentially an attempt to establish the principle of development on a particular plot of land, without entering into any detail about the form or appearance of the proposed development. This is often used as an early-stage tool in the planning process.
- 4.2.2. The Local Planning Authority (LPA) is required, by law, to determine applications for outline planning permission on the basis of the information provided at the outline stage. According to Section 70(2) of the Town and Country Planning Act 1990, the LPA must have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. However, the considerations that are 'material' at this stage will generally be limited to the principle of the proposed use of the land and its broad scale.
- 4.2.3. As a consequence, the LPA is not permitted to refuse an outline planning application on the grounds of 'reserved matters' - those elements of the proposal which are not required to be detailed at the outline stage (such as access, appearance, landscaping, layout, and scale), but which will be submitted for subsequent approval.

- 4.2.4. Case law has established this principle clearly holding that outline applications must be determined on their own merits and that a planning authority should not, at the outline stage, refuse planning permission for reasons which are reserved for subsequent approval.
- 4.2.5. The courts have emphasised that while an LPA can impose conditions when granting outline planning permission, it cannot, at the outline stage, refuse permission on the basis of matters that have been reserved for later consideration. Case law has clarified that an LPA must limit its decision-making to the parameters set for an outline planning application. The courts have generally found that planning authorities have made an error when considering the reserved matter of access at the outline planning stage, as all matters had been reserved for later consideration.
- 4.2.6. In summary, when considering an outline planning application where all matters are reserved, an LPA should restrict its examination to the principle and scale of the development. They must not refuse the application on the basis of detailed matters which have been reserved for subsequent approval. LPAs that overstep this boundary can be found to have acted unlawfully, as established by numerous high court decisions.

Outline – Principle & Scale (Access, Layout, Appearance and Landscaping Reserved matters)

- 4.3. Outline – Principle & Scale (Access, Layout, Appearance and Landscaping Reserved matters)
- 4.3.1. In the scenario where an outline planning application seeks approval for the principle and scale of a proposed development, with access, layout, appearance, and landscaping being reserved for later consideration, the nature of the Local Planning Authority's (LPA) decision-making responsibilities will shift.
- 4.3.2. The LPA's considerations in these instances remain constrained by the Town and Country Planning Act 1990, Section 70(2), and the Planning and Compulsory Purchase Act 2004, Section 38(6). However, the range of 'material considerations' that are relevant will be wider than for an application where all matters are reserved.
- 4.3.3. In this type of application, the principle of the development (i.e., the type of land use being proposed) and the scale (including the number of buildings, their footprint, massing, height, width, and length) become the core material considerations. Therefore, the LPA can lawfully refuse planning permission at the outline stage if it deems the proposed scale inappropriate or if the principle of development is unacceptable.

- 4.3.4. This does not extend to aspects such as the specific appearance of the buildings, the internal layout, landscaping strategies, or access points to the development, which have been defined as reserved matters. The LPA is prohibited from refusing an application based on these factors at this stage, as they have been specifically reserved for future consideration.
- 4.3.5. In the case of *Bloor Homes East Midlands Ltd v Secretary of State for Communities and Local Government* [2014] EWHC 754 (Admin), highlighted the dangers of an LPA considering reserved matters prematurely.
- 4.3.6. Therefore, an LPA dealing with an outline application for the principle and scale of development, where access, layout, appearance, and landscaping are reserved matters, should focus their considerations solely on the proposed use of land and the proposed scale of development. They should refrain from making decisions based on details of reserved matters, which could lead to their decision being overturned on appeal.

Appearance as a reserved matter

4.4. Appearance as a reserved matter

- 4.4.1. As a reserved matter, 'appearance' refers to the aspects of a development proposal that concern its visual impact, including the architectural design and aesthetics of proposed buildings. When appearance is specified as a reserved matter in an outline planning application, it implies that detailed plans regarding the visual form of the proposed development will be submitted at a later stage for the Local Planning Authority's (LPA) approval.
- 4.4.2. As per the legal framework, the LPA cannot refuse an application on the grounds of appearance when it has been expressly reserved for later consideration. The LPA's role is not to anticipate or pre-empt what the development might look like; it is to make decisions based on the submitted details when those details are provided at the reserved matters stage.
- 4.4.3. This principle is established in case law where the courts have held that planning authorities are not entitled to speculate about what the detailed design might be if appearance is a reserved matter.
- 4.4.4. That being said, an exception to this principle can occur when an LPA can demonstrate that it would be impossible for the development to achieve a satisfactory appearance. However, this is a high bar to pass. It necessitates a clear demonstration, based on concrete evidence, that no design or architectural solution could possibly overcome the issues identified by the LPA.

- 4.4.5. In practice, such instances are rare. The case of *St Albans City and District Council v Hunston Properties Ltd* [2013] EWCA Civ 1610 highlights the limitations of what can be taken to be material considerations in determining an application or appeal.
- 4.4.6. Therefore, LPAs need to exercise great caution in refusing outline planning permission on the grounds of appearance when this matter has been reserved for subsequent consideration. They should resist the temptation to second-guess what the development might look like, and instead, wait for the detailed proposals to be submitted. Only in the rarest of circumstances, where it can be unequivocally proven that a suitable appearance is impossible to achieve, might such a refusal be upheld.
- 4.4.7. The legal framework surrounding reserved matters is designed to enable the phased consideration of various elements of a proposed development. The courts have been consistent in upholding this structure and preventing LPAs from prematurely considering matters that have been reserved for later stages. This underscores the importance of following the correct process in outline planning applications, and the potential for judicial intervention when these processes are not adhered to.

Access as a reserved matter

4.5. Access as a reserved matter

- 4.5.1. Access, as a reserved matter, relates to the arrangements for vehicular and pedestrian connections to an existing highway network. 'Access' also encompasses the servicing needs of a development. These include considerations for delivery vehicles, refuse collection, emergency access, and so on. On busy roads, particularly on main thoroughfares, such considerations are crucial to ensuring the smooth functioning of the road network and minimising disruptions.
- 4.5.2. Importantly, 'access' extends beyond merely connections to the existing highway network. It includes routes within the site, accommodating various users, such as pedestrians, vehicles, and those requiring level access, like wheelchair users. Provisions like ramps, lifts, and external stairs are integral to 'access' considerations.
- 4.5.3. There is an important distinction between 'layout' and 'access'. While there can be a tendency to conflate these two matters, they are fundamentally separate in the planning context. 'Layout' generally refers to the way in which buildings, routes, and open spaces are provided within the development. It does not encompass the external access routes leading to the site or the internal access provisions for users, which are both covered under 'access'.
- 4.5.4. Conversely, 'layout' might cover the internal arrangement of a building or space, but it does not extend to the broader spatial arrangement of the site, which is generally a matter for 'landscaping' and 'access'. A clear understanding of these definitions is

critical to ensure that reserved matters are treated appropriately during the decision-making process.

- 4.5.5. The Courts have emphasised that 'layout' and 'access' should not be conflated, and that considerations such as the servicing needs of a building and the internal access routes within a site are to be viewed as part of 'access', and should not form part of the consideration of 'layout'.
- 4.5.6. When an outline planning application reserves 'access' for subsequent approval, the detailed information about the precise points of access, the width of the access roads, and the arrangements for turning movements, amongst other things, will be provided to the Local Planning Authority (LPA) for approval at a later stage.
- 4.5.7. In accordance with the governing legal framework, an LPA cannot refuse an application on the grounds of access when this matter has been explicitly reserved for future consideration. Any decisions made by the LPA must be based on the details that have been submitted at the appropriate stage. The LPA should not attempt to speculate about the possible impact of the development on the local road network, or the adequacy of the proposed access arrangements, until these details have been provided.
- 4.5.8. The case of *R (on the application of Kebbell Developments Ltd) v Leeds City Council* [2018] EWHC 3047 (Admin) reinforces this principle. In this case, the High Court clarified that the LPA had erred in refusing an outline planning permission application based on concerns about access, a matter which had been reserved for later consideration. The LPA, the court held, was not entitled to refuse the application on these grounds.
- 4.5.9. However, an exception to this principle may occur if the LPA can demonstrate that no suitable access could possibly be provided. Nevertheless, such instances are rare and would require substantial and credible evidence. The burden on the LPA to prove this is high, and any such decision would likely be closely scrutinised on appeal. This was exemplified in the case of *Hallam Land Management Ltd v Secretary of State for Communities and Local Government* [2018] EWCA Civ 1808.
- 4.5.10. In summary, when 'access' is a reserved matter in an outline planning application, LPAs are obliged to limit their considerations to the details that have been submitted at the appropriate stage. The courts have consistently upheld this principle, emphasising that LPAs should not pre-empt or anticipate the outcome of future submissions on reserved matters, unless it can be unequivocally proven that a suitable proposal is impossible to achieve. This approach ensures the fairness and consistency of the planning process, preventing premature refusals based on matters reserved for later stages.

Layout as a reserved matter

4.6. Layout as a reserved matter

- 4.6.1. 'Layout', as a reserved matter within the planning context, denotes the internal arrangement of proposed buildings. In an outline planning application where 'layout' is a reserved matter, the detailed proposal outlining how these various elements will be arranged on the site is submitted for the Local Planning Authority's (LPA) approval at a subsequent stage.
- 4.6.2. The governing legal framework stipulates that the LPA cannot refuse an application on the grounds of layout when this matter has been specifically reserved for future deliberation. The LPA must base its decisions on the details submitted at the appropriate stage, and not pre-empt or speculate on the proposed layout until these details are provided.
- 4.6.3. The legal framework does allow for a potential exception whereby an LPA may refuse an application on grounds of layout, but only when it can convincingly demonstrate, with substantial and credible evidence, that a satisfactory layout would be impossible to achieve. It's critical to note that this bar is set high, and such an exception would be closely scrutinised by the courts.
- 4.6.4. Further, the 'layout' of a development has a significant bearing on numerous other considerations. However, these considerations cannot form a basis for decision-making until a reserved matters application providing the final layout details is submitted.
- 4.6.5. For instance, the final number of units in a development, which directly impacts considerations such as parking stress, cannot be definitively known until the layout is finalised. It would be inappropriate and premature for an LPA to speculate on such impacts before the layout details are known.
- 4.6.6. Similarly, considerations such as the external appearance of a development are to some degree dependent on its layout. Decisions about window placements, for example, often hinge on the internal arrangement of spaces within a building, which in turn is influenced by the site's layout.
- 4.6.7. Moreover, it is only with knowledge of the final layout that accurate assessments can be made concerning a development's carbon impact, energy use, and air quality effects. Any attempts by an LPA to base decisions on these considerations before the layout is known would be pre-emptive and, in all likelihood, legally unsound.
- 4.6.8. In conclusion, when 'layout' is a reserved matter, the LPA should focus on the details submitted at the appropriate stage and should not pre-empt or speculate about the proposed layout or its potential impacts. The legal framework is clear on this matter,

and the courts have consistently upheld this approach. The LPA is reminded that a refusal on grounds of layout can only be justified if they can unequivocally demonstrate that a suitable layout is impossible to achieve - a high bar to pass. This process upholds the principle of phased consideration in outline planning applications, ensuring fairness and consistency in the planning process.

Landscaping as a reserved matter

4.7. Landscaping as a reserved matter

- 4.7.1. The term 'landscaping' in the planning context refers to the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated. This can include planting of trees or shrubs, formation of banks, terraces or other earthworks, provision of screens or fences, and the layout of lawns, flower beds, and other horticultural features.
- 4.7.2. Where 'landscaping' is a reserved matter, the Local Planning Authority (LPA) is not permitted to anticipate or pre-empt the landscaping proposals at the outline planning permission stage. They must base their decisions on the details submitted at the appropriate stage, and not anticipate or speculate on the proposed landscaping arrangements until these details are provided.
- 4.7.3. The legal framework does provide for a potential exception, where the LPA may refuse an application on grounds of landscaping, but only when it can convincingly evidence that a satisfactory landscaping scheme would be impossible to achieve. However, the bar for this is set high, and such a refusal would be subject to careful scrutiny by the courts.
- 4.7.4. It is pertinent to note that the 'landscaping' of a development has a significant bearing on numerous other considerations. However, these considerations cannot be taken into account until a reserved matters application providing the final landscaping details is submitted. For instance, factors such as biodiversity, visual amenity, and the impact on the character and appearance of the area can all be significantly affected by the landscaping scheme. However, these considerations cannot form the basis for decision-making until the details of the landscaping scheme are known.
- 4.7.5. Moreover, the relationship between the built form and the landscaped areas, which can greatly impact the character and appearance of a development, cannot be fully assessed until the details of the landscaping scheme are finalised.
- 4.7.6. Therefore, when 'landscaping' is a reserved matter, LPAs should focus on the details submitted at the appropriate stage and should not pre-empt or speculate about the proposed landscaping or its potential impacts. The courts have upheld this approach, and it is clear from the legal framework that a refusal on grounds of landscaping can

only be justified if the LPA can demonstrate conclusively that a suitable landscaping scheme would be impossible to achieve - a high bar indeed.

- 4.7.7. LPAs are reminded that when 'landscaping' is a reserved matter, they must ensure that they only take into account the details submitted at the appropriate stage and do not pre-empt or speculate on the landscaping proposals. This approach upholds the principle of phased consideration in outline planning applications, ensuring fairness and consistency in the planning process.

Proposed Development

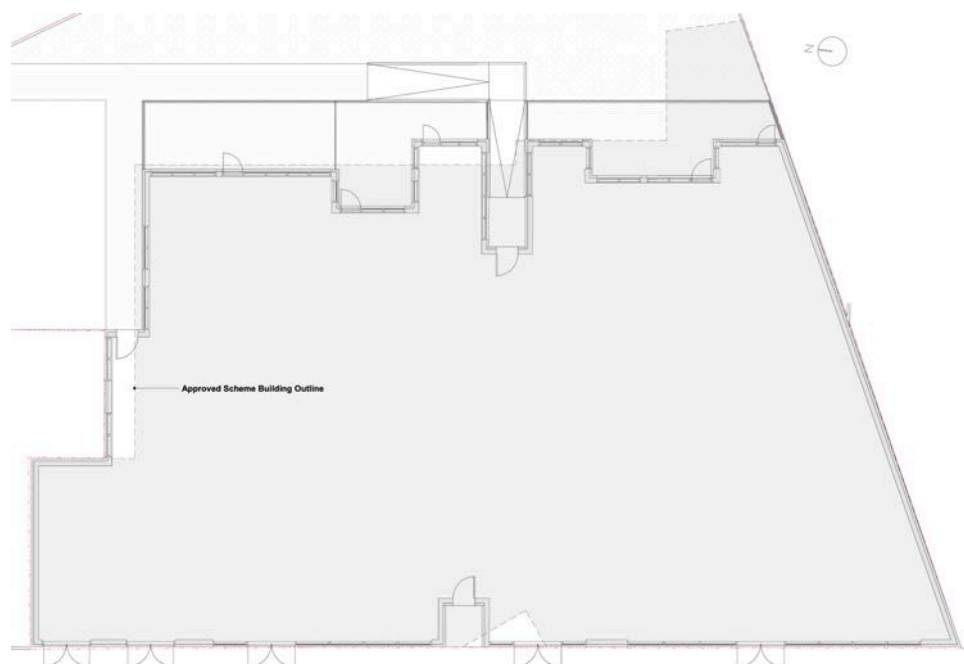
5. Proposed Development

5.1. The current application seeks outline planning consent for the development of a 5-storey mixed-use block. The proposed block would comprise a maximum of 28 self contained residential flats and up to 2 retail units. It is pertinent to clarify that the term "up to" denotes a flexibility in the quantum, ranging from a single unit to the stipulated maximum.

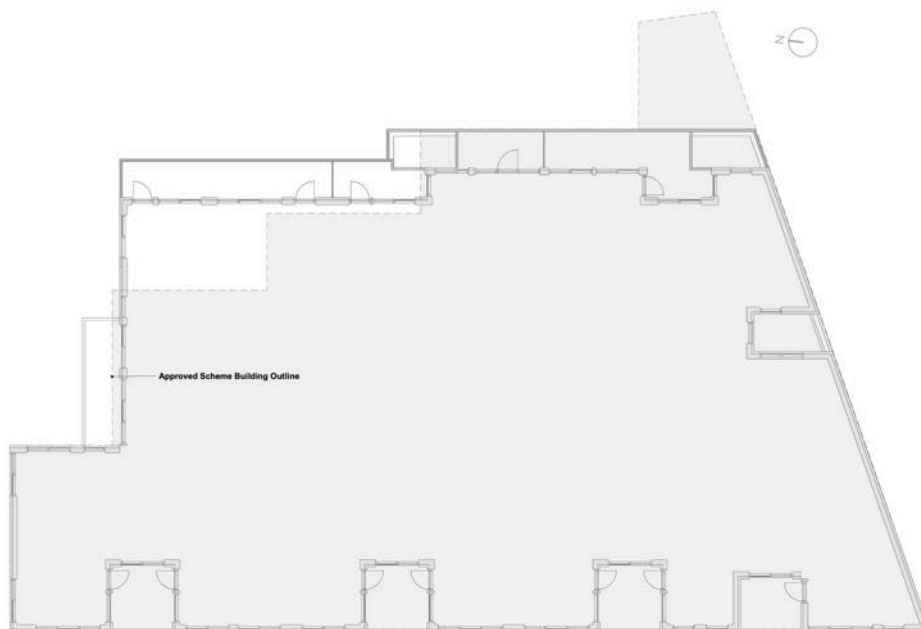
5.2. Footprint

5.2.1. It is noteworthy that a prior outline application, reserving all matters except for scale, was refused due to perceived sub-optimal utilisation of the site. In light of established jurisprudence, an outline application with all matters save for scale reserved is not bound to a minimum unit commitment. The Local Planning Authority's legitimate concerns regarding site optimisation can be judiciously addressed during the reserved matters phase, specifically an application for layout. Should there be any shortcomings in the layout's ability to optimally utilise the site, it stands to reason that redress can be sought at that juncture, maintaining the integrity and robustness of the planning process.

5.2.2. The proposed block will occupy a more compact footprint compared to the development permitted under reference 19/04199/FUL. The grey shaded area, juxtaposed on the preliminary ground floor plan, lucidly demarcates the previously sanctioned footprint.



- 5.2.3. As a proactive response to flood risk assessments and in accordance with the NPPF's sequential approach to flood risk, the rear ground floor level is elevated by 60cm from the natural ground level. In synergy with this, a supplementary 60cm flood wall has been introduced, culminating in an aggregate flood defence height of 1.2m.
- 5.2.4. Consistency in design approach is evident in the floor plates of the first and second levels, which adhere to those approved under reference 19/04199/FUL. The comparative floor plates are represented with the previously approved floorplate shaded in grey.



- 5.2.5. A nuanced design alteration sees the northeast segment slightly larger than what was approved under 19/04199/FUL. Conversely, the southeast portion has been intentionally downsized to enhance spatial dynamics and respond sensitively to the contextual streetscape.
- 5.2.6. The proposed third floor reveals a refined architectural treatment, with a 4.7m setback on its northern elevation facing Swan & Sugarloaf. It is acknowledged that this differs to the precedent scheme approved under 19/04199/FUL, which had a larger setback of approximately 10m. This contemporary design approach respects the character and vistas of the Swan & Sugarloaf, ensuring a harmonious visual interface.
- 5.2.7. The fourth floor, exhibiting superior architectural nuances, is set back 6.75m from the northern elevation facing Swan & Sugarloaf. Moreover, a deliberate 1m additional setback from the front elevation, compared to the approved third floor

under 19/04199/FUL, has been presented. This, coupled with an additional 3m setback compared to the previously approved third floor, ensures an articulated and visually appealing skyline. This design decision resonates with the overarching urban design principles as stipulated in the London Plan 2021 and Croydon Plan 2018, advocating for innovative yet contextually respectful architecture.

5.2.8. It is paramount to underscore that this application is made in respect of the proposed scale only. The ground, first, and second floors are demonstrably congruent with those approved under application reference 19/04199/FUL. Therefore, the pivotal aspect for deliberation within this application remains the scale of the proposed third and fourth floors. The design rationale and approach are underpinned by the ethos of sustainable urban living as outlined in the NPPF, London Plan 2021, and Croydon Plan 2018, ensuring a development that is not just compliant but exemplifies the best in contemporary urban design and architecture.

5.3. Standard of Accommodation

5.3.1. Typically, in a planning statement in respect of an application for outline planning consent with all matters reserved except for scale, the standard of accommodation is not a subject of comment, given that layout remains a reserved matter as articulated in the NPPF guidelines. If layout is unknown there can be no discussion on the standard of accommodation.

5.3.2. Regrettably, a previous application for outline consent on the same site faced refusal over concerns relating to standard of accommodation. The contention was anchored in the premise that the application “failed to demonstrate that the proposed development would be able to provide an acceptable standard of residential accommodation as a matter of principle”, a stance which appears misaligned with the NPPF and the London Plan 2021's nuanced approach to outline planning approvals.

5.3.3. Accordingly, the applicant wishes to reiterate the cardinality of adhering to the structured stages of the outline planning process. With layout being a reserved matter, any concerns over standard of accommodation must be excluded from the material considerations at this juncture.

5.3.4. The proposed building, in terms of its spatial expanse, undeniably possesses the capacity to accommodate a development that not only conforms to but surpasses the expected standards for a range of residential units, subject to a maximum of 28 units. The precise number will be delineated during the reserved matters phase and will be based on delivering the maximum units possible whilst adhering to all the policy requirements.

5.3.5. It is hereby submitted that the site can comfortably accommodate a number of policy compliant residential units (up to a maximum of 28) that would unequivocally meet, if not exceed, the established benchmarks for residential accommodation, as laid out in the London Plan 2021 and the NPPF.

5.3.6. The applicant intentionally raises this issue within the planning statement, intending to preclude any subsequent refusals predicated on matters deemed non-pertinent at this phase of the outline planning process. Should the application be refused once again on matters that are not material considerations at this stage of the planning process, it paves the way for the applicant to unambiguously evidence unreasonable conduct at an appeal

5.4. Character of the Area

5.4.1. The only material consideration in respect of character of the area, the paramount pertains to the scale of the development. Matters beyond this, given their reserved nature, remain extraneous to the current phase of the outline planning process.

5.4.2. It is acknowledged that the proposed development in respect of its height, would be higher than the existing buildings within its immediate contextual surroundings. However, considering the imminent two-storey extension at 5 Brighton Road, the consequent street scene that would manifest if this application is granted would broadly appear as shown in the illustration below:



5.4.3. It is a material consideration that the site at 3 Brighton Road had consent for a new four storey building granted in 2019. Whilst that consent has now lapsed, it is reasonable to expect that if such an application was submitted again, consent for a new four storey building would once again be granted. If 3 Brighton Road was broadly developed in accordance with the lapsed planning consent, the street scene would look like this:



5.4.4. Logically extrapolating, given that 5 Brighton Road now has consent for a five storey building, it is conceivable that 3 Brighton Road would pursue a development of a similar height, culminating in a street scene as depicted here:



5.4.5. Urban tapestries evolve over time, and it is inevitable that the interstitial street scene between Selsdon Road and Wandle Road is poised for architectural evolution in the foreseeable future. Wandle Apartments on the corner of Brighton Road and Wandle Road now also qualifies for an additional floor under policy and it is once again inevitable that such a development will occur at some point in the near future. Therefore, the future street scene of the road would look like the illustration below, if this application is granted:



5.4.6. If this application is not granted, the street scene would end up looking like this in the future:



5.4.7. It is therefore the applicants position that the scale of the proposed 5 storey building will not harm the character of the area, and, following the appeal allowing a 5 storey building at 5 Brighton Road, this application would align with the evolving character of the area.

5.4.8. A previous application for a 5 storey building on the site was refused for failing to commit to public art. Public art is a matter of appearance, landscape and access and therefore cannot be provided for with an outline application for scale only.

5.4.9. A previous application was also refused because of the proximity of the proposed development to the Swan and Sugarloaf. In the respect of the first 3 storeys of the proposed building in this application, there is no difference between the proposal and the consented scheme on the site. In fact, the height of proposed first 3 storeys in this proposal is marginally lower than that of the first 3 storeys of the scheme with an extant consent. The additional height and massing of the proposed 3rd floor is set at a substantial distance from the Swan and Sugarloaf. The additional height of the proposed building does not therefore impact adversely on the Swan and Sugarloaf.

5.4.10. A previous application was also refused because of the perceived impact from the east (rear towards Selsdon Road) and north (towards Brighton Road). It is submitted that the rear of the building would not be visible from anywhere other than the rear windows of the buildings on the west side of Selsdon Road. From the north, whilst the additional massing would be visible, it would be no different than the additional height at 5 Brighton Road. At the reserved matters stage, the appearance could be designed with architectural features to break up the additional height and massing.

5.4.11. In summary, the character of the area is evolving and 5 Brighton Road already has consent secured on appeal for a 5 storey building. 3 Brighton Road and 1 Wandle Road will inevitably apply for 5 storey buildings given that there is now a precedent established at 5 Brighton Road. This proposal will therefore align with the evolving character of the area.

5.5. Urban Greening

5.5.1. While landscaping falls under reserved matters, it's pivotal to articulate the prospective interventions concerning urban greening, as it constitutes a salient facet of sustainable urban development, particularly within the context of the London Plan 2021.

5.5.2. Currently, the site's classification as brownfield highlight its deficiency in urban greening. This characterisation accentuates the inherent opportunity: any form of developmental intervention will tangibly amplify the site's green character.

- 5.5.3. Envisioning the architectural potential, the introduction of biodiverse green roofs on top of the flat roof surfaces offers a dual advantage. Firstly, it fosters an ecosystem, bolstering local biodiversity, aligned with the NPPF's aspirations. Secondly, it serves as a visual and environmental cushion, enhancing the building's thermal performance and aesthetic appeal. Coupled with the substantial provision of a 250m² communal garden, the scheme stands poised to not only augment urban greening quantitatively but also qualitatively, thereby surpassing the Urban Greening Factor (UGF) benchmarks set forth in the London Plan 2021 and Croydon Plan 2018.
- 5.5.4. Issues of Urban Greening are not however a material consideration at this stage and must not form part of the decision making process. Urban Greening can be dealt with decisively at the reserved matters stage.

Planning Policy

6. Planning Policy

Planning Policy Framework

6.1. Planning Policy Framework

6.1.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states any determination should be made in accordance with the Development Plan unless material considerations indicate otherwise. The proposal has been considered within the context of National, Regional and Local Planning Policy, and the key policies are summarised below.

6.1.2. The statutory development plan, as is relevant to this proposal, is currently made up of the London Plan (2021) and the Croydon Local Plan 2018.

6.1.3. Other material considerations are the National Planning Policy Framework (NPPF) and a number of Supplementary Planning Policy Guidance and Documents prepared by the GLA and the Council, as well as emerging policy documents. Page 3 of 14

National Planning Policy Framework (NPPF)

6.2. National Planning Policy Framework (NPPF)

6.2.1. The NPPF (2021) sets out the Government's planning policies for England and how they should be applied and is an important material consideration. It should be taken account of in the preparation of the development plan and in making decisions on planning applications.

6.2.2. Paragraph 8 outlines that there are three overarching objectives to achieving sustainable development. They are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives. The three objectives are economic, social and environmental. Economically, the objective is to build a strong, responsive and competitive economy.

6.2.3. These objectives are:

- Economic — to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved

productivity; and by identifying and coordinating the provision of infrastructure;

- Social — to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- Environmental — to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

6.2.4. The NPPF states that "so that sustainable development is pursued in a positive way, at the heart of the framework is a presumption in favour of sustainable development" (Paragraph 10). Paragraph 11 identifies that in making decisions this means:

- Approving development proposals that accord with an up-to-date development plan without delay; or;
- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 1. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 2. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.2.5. Delivering a sufficient supply of homes 6.8 Paragraph 60 identifies that it is important for a significant amount and variety of land to come forward where it is needed. Paragraph 69 further states that small and medium sized sites can make an important contribution to meeting the housing requirements of an area, and can often be built out relatively quickly. As part of this LPAs should support the development of windfall sites, giving great weight to the benefits of using suitable sites within existing settlements for homes.

6.2.6. Promoting sustainable transport 6.9 In terms of transport, development proposals should consider their impact and promote walking, cycling and public transport. Safe

and secure access for all users' needs to be achieved. Any significant impacts should be mitigated in a cost-effective way to an acceptable degree and development should only be prevented or refused if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe (paragraph 111).

- 6.2.7. Making effective use of land 6.10 Paragraph 119 requires that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment. This should include promoting development of under-utilised land and buildings, especially if it would help meet identified housing needs.
- 6.2.8. Achieving well-designed places 6.11 In terms of design paragraph 126 identifies that the creation of high quality buildings and places is fundamental to what the planning system should achieve. It is also a key aspect of sustainable development and creates better places in which to live and work. Developments should (inter alia) be visually attractive, with good architecture, layout and landscaping, and be sympathetic to the local character (paragraph 130).

London Plan 2021

6.3. London Plan 2021

- 6.3.1. The London Plan 2021 is the Spatial Development Strategy for Greater London which was formally published by the Mayor on 2nd March 2021. It sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth. The Plan is part of the statutory development plan for London, meaning that the policies in the Plan should inform decisions on planning applications across the capital.
- 6.3.2. Strategic planning in London is the shared responsibility of the Mayor of London, Corporation of the City of London, and 32 London Boroughs. Boroughs' local development documents must be 'in general conformity' with the London Plan, which must be taken into account when planning decisions are taken in any part of London unless there are planning reasons why it should not.
- 6.3.3. The document brings together the geographical and locational aspects of the Mayor's other strategies, to ensure consistency with those strategies, including those dealing with: Transport, Environment, Economic development, Housing, Culture, Health and health inequalities.
- 6.3.4. Of note are the following policies:

- Policy GG1: Building strong and inclusive communities. Good growth is inclusive growth. To build on the city's tradition of openness, diversity and equality, and help deliver strong and inclusive communities.
- Policy GG2: Making the best use of land. To create successful sustainable mixed-use places that make the best use of land, those involved in planning and development must prioritise sites which are well connected and proactively explore the potential to intensify the use of land to support additional homes, promote high density development, particularly in locations which are well-connected.
- Policy GG4: Delivery the homes Londoners need. To create a housing market that works better for all Londoners, those involve in planning and development must ensure that more homes are delivered, created mixed and inclusive communities with good quality homes that meet high standards of design.
- Policy D1: London's form, character, and capacity for growth - Part A of this policy sets out the requirements for assessing an area's characteristics and Part B sets out the steps for using this information to establish the capacity for growth of different areas and ensure that sites are developed to an optimum capacity that is responsive to the site's context and supporting infrastructure.
- Policy D3: Optimising site capacity through design led approach - Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity. Developments should have regard for their form, layout, experience, quality and character.
- Policy D4: Delivering good design. The design of development proposals should be thoroughly scrutinised by borough planning, urban design, and conservation officers. Design of development proposals should be thoroughly scrutinised by borough planning, urban design, and conservation officers.
- Policy D5: Inclusive design. Development proposals should achieve the highest standards of accessible and inclusive design. They should be designed to be convenient and welcoming with no disabling barriers and should provide independent access without additional undue effort, separation or special treatment.
- Policy D6: Housing quality and standards. Housing development should be of high quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners

without differentiating between tenures. Housing development should maximise the provision of dual aspect units and sufficient daylight and sunlight.

- Policy D12: Fire Safety. In the interests of fire safety and to ensure the safety of all building users all development proposals must achieve the highest standards of fire safety and ensure that there is a robust strategy for evacuation.
- Policy H1: Increasing housing supply. To ensure that ten-year housing targets are achieved, boroughs should allocate an appropriate range and number of sites that are suitable for residential development.
- Policy H2: Small sites. Boroughs should pro-actively support well-designed new homes on small sites in order to significantly increase the contribution of small sites to meeting London's housing needs.
- Policy H5: Delivering affordable housing. All major development of 10 or more units triggers an affordable housing requirement.
- Policy H10: Housing size mix. Schemes should generally consist of a range of unit sizes.
- Policy G1: Green infrastructure. Development proposals should incorporate appropriate elements of green infrastructure that are integrated into London's wider green infrastructure network.
- Policy G6: Biodiversity and access to nature. Sites of Importance for Nature Conservation should be protected. Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.
- Policy G7: Trees and woodlands. Development proposals should ensure that existing trees of value are retained, and additional tree planting should be included in new developments.
- Policy T5: Cycling. Development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. Development should provide cycle parking at least in accordance with the minimum standards.
- Policy T6: Car Parking. Car-free development should be the starting point for all development proposals in places that are well-connected by public transport.

Local Planning Policy

6.4. Local Planning Policy

6.4.1. The 2018 Croydon Local Plan outlines 11 Strategic Objectives. The strategic objectives form the link between the high level spatial vision and the detailed strategy (made up from the thematic policies and the Places of Croydon section). They are the objectives needed to fulfil the spatial vision. The policies and delivery programme within the Croydon Local Plan show how this can be achieved within the plan period. The strategic objectives identified by the Council as being relevant to housing are:

- 6.4.1.1. Aims to establish Croydon as the premier business location in South London and the Gatwick Diamond.
- 6.4.1.2. Seek to foster an environment where existing and new innovative, cultural and creative enterprises can prosper.
- 6.4.1.3. Emphasises the importance of providing choice of housing for people at all stages of life
- 6.4.1.4. Aims to reduce deprivation in all its forms, by (inter alia) renewing housing.
- 6.4.1.5. Highlights the Council's view on ensuring that high quality new development both integrates, respects and enhances the borough's natural environment and built heritage.
- 6.4.1.6. Promotes well designed facilities to meet the diverse needs of the community.
- 6.4.1.7. Identifies the need to conserve and create spaces and buildings that foster safe, healthy and cohesive communities.
- 6.4.1.8. Improvements are sought to accessibility, connectivity, sustainability and ease of movement to, from and within the borough.
- 6.4.1.9. Outlines the importance of ensuring the responsible use of land and natural resources and management of waste to mitigate and adapt to climate change.
- 6.4.1.10. Aims to improve the quality and accessibility of green space and nature, whilst protecting and enhancing biodiversity.
- 6.4.1.11. Aims to tackle flood risk by making space for water and utilising sustainable urban drainage systems.

6.4.2. The relevant policies are detailed below where relevant.

6.4.3. The relevant policies are summarised below:

- 6.4.3.1. Policy SP1 The Places of Croydon: states that the Council will take a positive approach that reflects the presumption in favour of sustainable development within the NPPF. They will seek growth in homes, jobs and services.
- 6.4.3.2. Policy SP2 Homes: seeks a choice of housing for people in socially-balanced and inclusive communities, and a presumption in favour of development of new homes provided applications for residential development meet the requirements of relevant policies. Development should be concentrated in the places with the most capacity whilst respecting local distinctiveness. The COA is intended to provide 10,760 homes and 10,060 on windfall sites. Affordable housing is relevant to this, as is the quality and mix.
- 6.4.3.3. Policy SP4 Urban Design and Local Character: requires high quality development which respects and enhances local character and contributes positively to public realm, landscape and townscape.
- 6.4.3.4. Policy SP6 Environment and Climate Change: requires adaptation to a changing climate by reducing greenhouse gas emissions. Development should make the fullest contribution to minimising carbon dioxide emissions. Flood risk will be managed and sustainable waste management will be considered.
- 6.4.3.5. Policy SP8 Transport and Communication: requires that the pattern of urban growth and the use of land is managed to make the fullest use of public transport. Sustainable travel choices will be provided to reduce the need for travel. Conditions for walking and cycling are to be improved and parking is to be managed.
- 6.4.3.6. Policy DM1 Housing choice for sustainable communities. The Council will permit the redevelopment of residential units where it does not result in the net loss of 3 bedroom homes (as originally built).
- 6.4.3.7. Policy DM10 Design and character: Proposals should be of high quality and whilst seeking to achieve a minimum height of 3 storeys, should respect the development pattern, layout and siting, the scale, height and massing and density and appearance of the surrounding area.
- 6.4.3.8. Policy DM13 Refuse and recycling: The Council will require developments to sensitively integrate refuse and recycling facilities and ensure facilities are visually screened.

- 6.4.3.9. Policy DM27 Protecting and enhancing our biodiversity. To enhance biodiversity across the Borough and improve access to nature development proposal should incorporate biodiversity and enhance local flora and fauna.
- 6.4.3.10. Policy DM28 Trees: The Council will seek to protect and enhance the borough's woodland, trees and hedgerows by ensuring that all development proposals accord with the recommendations of BS5837 2012.
- 6.4.3.11. Policy DM30 Car and cycle parking in new development. To promote sustainable growth in Croydon and reduce the impact of car parking, new development must reduce the impact of car parking in any development located in areas of good public transport accessibility. Car and cycle parking should be provided as set out in the standards in Table 10.1.

Principle of Development

6.5. Principle of the development: Housing need

- 6.5.1. NPPF Chapter 5 'Delivering a sufficient supply of homes' states that housing application should be considered in the context of the presumption in favour of sustainable development. Paragraph 69 of the NPPF states that local planning authorities should "support the development of windfall sites through their policies and decisions — giving great weight to the benefits of using suitable sites within existing settlements for homes". Likewise, the London Plan Policy H1 'Increasing housing supply' seeks to meet housing need by supporting and encourage development to optimise housing delivery.
- 6.5.2. Table 4.1 of the London Plan (which has been adopted as policy more recently) sets 10 year targets for net housing completions (2019/20 - 2028/29) for each local planning authority. Croydon's Housing targets have significantly increased as part of London Plan 2021, with the target increasing to 20,790 dwellings for the period between 2019-2028. Policy H1 of the London Plan recognises the increasing demand for delivery of new homes across London. This is the 9th highest figure out of 32 London Boroughs, therefore it is clear that Croydon will play a primary role in meeting these targets.
- 6.5.3. Policy D3 of London Plan 2021 requires developments to make the best use of land by following a design-led approach that optimises the capacity of the site, with development that is the most appropriate form and land use for the site, with the policy recognising that small sites make a significant contribution towards increasing housing supply within London. This policy position is set out in further detail within policy H2 of London Plan which states that boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to amongst other considerations

significantly increase the contribution of small sites to meeting London's housing needs.

- 6.5.4. Redevelopment of the site for up to 28 residential units ultimately supports the objectives of London Plan Policy H2, providing greater in-principal justification for the proposals. This will help to deliver new homes in line with the small sites target and strategic objectives for London — alongside supporting the aspirations of Croydon Plan 2018 which sets out a delivery target of 32,890 net additional homes over the plan period. The proposals should therefore be wholly welcomed on this basis. The current use of the site and brownfield nature support the presumption that residential development is supported, alongside recognising that the site is in a sustainable location, with a range of shops, facilities, and transport links in close proximity.
- 6.5.5. The site is previously developed land. Residential redevelopment of the site is supported by London Plan Policies H1 and H2.

Planning Considerations

7. Planning Considerations

Under Section 38(6) of the Planning Compulsory Purchase Act 2004 proposals must be determined in accordance with the development plan unless material consideration indicates otherwise.

Background

7.1. Background

- 7.1.1. The application site has been subject to a number of planning applications and an appeals. Most recently, in January 2022, planning permission was granted under reference 19/04199/FUL for a 17 unit development with 404 sqm of commercial floorspace.

Principle

7.2. Principle

- 7.2.1. The proposal would provide for up to 3 commercial units on the ground floor. The upper parts would be residential.
- 7.2.2. The principle of this development has already been established. The only material consideration for this application is whether the principle of a 5 storey building is acceptable and whether the scale of the proposed 3rd and 4th floors are acceptable.

Residential

7.3. Residential

- 7.3.1. The proposed development will deliver up to 28 new residential units which is up to 11 more than would be delivered under 19/04199/FUL
- 7.3.2. Policy SP2 of the Croydon Local Plan (which has been adopted as policy more recently) seeks to deliver a minimum of 32,890 homes between 2016 and 2036, by (inter alia) concentrating development in the places with most capacity to accommodate them and ensuring that land is used efficiently. This equates to 1,644 homes per annum, and so is an increase on the London Plan target.
- 7.3.3. Croydon's Housing targets have significantly increased as part of London Plan 2021, with the target increasing to 20,790 dwellings for the period between 2019-2028.

Policy H1 of the London Plan recognises the increasing demand for delivery of new homes across London. This includes a target of 6,410 dwellings on small sites such as the subject site.

- 7.3.4. Policy H1 of The London Plan 2021 has imposed additional new targets for local authorities to deliver housing on windfall sites that are located in a zone with a PTAL greater than 3. This proposal is for a windfall site with a PTAL rating of 6a.
- 7.3.5. Policy H2 of The London Plan 2021 encourages development on small sites as well as intensification of existing residential areas within zones with a PTAL rating of 3-6. The subject site is a small site in an existing residential area with a PTAL rating of 6 and is therefore capable of accommodating intensification.
- 7.3.6. Therefore, in general terms any proposal which would create residential units has support from planning policy.

Scale, Massing & Height

7.4. Scale, Massing & Height

- 7.4.1. The Government has attached great importance to the design of the built environment in the NPPF with a presumption in favour of sustainable development. Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities and that the planning system should foster a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. In October 2019 the Government also published the National Design Guide, helping to address the question of how well-designed places are recognised, by outlining and illustrating the Government's priorities for well-designed places.
- 7.4.2. London Plan policy D3 states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. This means ensuring development is of the most appropriate form and land use for the site. Higher density developments are promoted in locations that are well connected to jobs, services, infrastructure, and amenities by public transport, walking and cycling. Development must, among other criteria, enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. Development must also achieve safe, secure, and inclusive environments, and be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan. Policy D6 requires

housing development to be of high-quality design and provide adequately sized rooms.

- 7.4.3. This majority of the proposed development has been designed to match the consented scheme for 17 flats under application reference 19/04199/FUL on the same site. The only difference is the slightly larger 3rd floor and the addition of a 4th floor.
- 7.4.4. There have been 3 applications for upward extensions at the neighbouring 5 Brighton Road under application references 21/04604/GPDO, 21/01606/GPDO and 22/00260/GPDO. When determining all 3 applications, the case officer reports specifically state that no objection is raised in reference to the additional height proposed. Although all 3 applications were rejected, they were rejected on the grounds of natural light within the proposed dwellings and refuse store and the transport legal agreement. The case officers specifically stated that the proposed height of the 5 storey building was acceptable.
- 7.4.5. 5 Brighton Road has now been granted permission by the planning inspector to add an additional 2 floors to the building.
- 7.4.6. The height of the proposed building at 5 Brighton Road in the consented application is 16.65m. The height of the 5 storey building at 1a Brighton Road proposed in this application is 16.6m which is lower than the proposed height of the 5 storey building at 5 Brighton Road which was considered acceptable to the planning officers and the planning inspector.



- 7.4.7. The above street scene elevation shows the building proposed in this application in relation to the proposed 5 storey building at 5 Brighton Road.
- 7.4.8. The proposals are therefore in line with Policy DM1 in terms of ensuring a bulk and massing in keeping with the character and context of the site, delivering much needed housing at a highly suitable brownfield site.
- 7.4.9. Overall, the proposed development successfully achieves a scale and mass that is sensitive to its context.

Impact on the Character Area

7.5. Impact on the Character of the Area

- 7.5.1. The NPPF emphasises that good design involves responding to local character and history and reflecting the identity of local surroundings and materials, while not discouraging appropriate innovation, and Policy DMP1 requires the scale, type and design of development to complement the locality.
- 7.5.2. SPD1 outlines that development should respond to the local context and respect the existing character of the landscape, streetscape, architectural and historic environment. New development height, massing and façade design should positively respond to the existing context and scale; facilitating good urban design. Building heights should positively respond to existing character. Development massing should limit its visual impact by effectively breaking up facades, creating a varied roofscape and relating positively to existing surroundings. It further outlines that buildings should generally fit in with the existing character of roof types within the street scene and minimise the visual impact from street level.
- 7.5.3. New development height and massing should positively respond to the existing context and scale; facilitating good urban design. Building heights should positively respond to existing character. Development massing should limit its visual impact by effectively breaking up facades, creating a varied roofscape and relating positively to existing surroundings. Buildings should generally fit in with the existing character of roof types within the street scene and minimise the visual impact from street level.
- 7.5.4. The building proposed in this application has been deliberately set in on the northern elevation so as to avoid over dominating the locally listed Swan & Sugarloaf neighbouring on to the development.
- 7.5.5. The proposed building will not therefore negatively impact on the character of the area.

Other Considerations

8. Other Considerations

Affordable Housing Statement & Financial Viability

8.1. Affordable Housing Statement

- 8.1.1. As the proposal will provide more than 10 residential units, affordable housing is a relevant consideration.
- 8.1.2. The NPPF outlines that “Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership”.
- 8.1.3. 4.3. The 2017 GLA SHMA outlines that there is a need for 43,500 affordable homes per year across London, and therefore the delivery of affordable housing on suitable sites should be optimised where possible.
- 8.1.4. The Croydon SHMA (November 2019), which found the need for affordable/social rent housing is 2,254 per annum.
- 8.1.5. With the end of Help to Buy, the applicant will not be looking to sell the completed units but hold them as an investment.
- 8.1.6. The proposal would provide a Fast Track-eligible affordable housing provision of 35% by habitable room at 60:40 split between affordable and intermediate.
- 8.1.7. The proposed approach accords with the purpose of apportioning affordable housing by habitable room, i.e., to ensure that the affordable flats are adequately sized relative to the market units and to ensure there is no incentive to skew the unit mix relative to the market units.
- 8.1.8. 4.8. The GLA Housing SPG (March 2016) states, “For planning purposes a habitable room is usually defined as “any room use or intended to be used for sleeping, cooking, living or eating purposes. Enclosed spaces such as bath or toilet facilities, service rooms, corridors, laundries, hallways, utility rooms or similar spaces are excluded from this definition”. Kitchens are usually excluded however, in some circumstances, a large kitchen or kitchen dining room may be counted as a habitable room, but the approach varies between boroughs
- 8.1.9. All of the units will be provided as BTR, with 35% accommodation as affordable by habitable room. As discussed, the tenure split is 60% affordable and 40%

intermediate. The Croydon Local Plan Policy SP2.5 requires development to have a minimum provision of 30% affordable housing at a 60:40 split of social rented and intermediate housing. Since then, the London Plan has been adopted that sets out a minimum Fast-Track eligible threshold level for affordable housing on residential development at 35%. Where a proposal is Fast-Track eligible it is not subject to viability review.

8.1.10. The proposal offers 60:40 between affordable and intermediate, according with the Local Plan Policy SP2.4 with 60% being the equivalent of low cost rented product, and the remaining 40% being DMR which meets the definition of genuinely affordable housing such as London Living Rent.

8.1.11. Accordingly, the proposal meets the conditions to be Fast-Track eligible as set out in London Plan Policy H11, and hence a viability assessment is not required, as supported by Local Plan Policy SP2.5 and London Plan Policy H5 (Threshold Approach to Applications) and H11.

8.1.12. A previous application was refused on the basis that the application failed to demonstrate that other funding avenues had been considered to increase affordable housing provision as well as failing to commit to a late stage viability review.

8.1.13. The applicant is willing to commit to a late stage viability review.

8.1.14. The applicant has explored various funding sources as follows:

8.1.14.1. The applicant has explored the possibility of grant funding and has found that this is something which is either not practical or not possible to pursue.

8.1.14.2. Homes for Londoners: Affordable Homes Programme 2021-2026 only provides funding for registered providers which the applicant is not and therefore this is not an option for them.

8.1.14.3. Grant funding is available through Homes England for private developers like the applicant, but this is not a suitable option as specified below. Other public funding sources are also unsuitable for the applicant for the reasons outlined below:

- GRANT FUNDING VIA HOMES ENGLAND

- It is important to clarify that Homes England grants funding for affordable housing exclusively to its Qualified Investment Partners (QIPs). These partners are subject to extensive regulatory prerequisites such as value-for-money assessments, governance

evaluations, and financial viability checks. Additionally, they come under continued scrutiny from the Regulator of Social Housing.

- As a small private developer, undertaking the process to become a QIP would not only be administratively burdensome and costly, but it would also involve a time-intensive process that would hinder the timely progress of the development project.
- Undertaking the process to become a QIP would involve a time-consuming procedure, diverting resources from the development project, increasing costs and potentially delaying progress.
- Even if the applicant were to become a QIP and obtained a grant, they would have overly burdensome conditions imposed upon them. The smallest breach of these conditions would allow Homes England to reclaim the grant. This significant level of financial risk is not something the applicant is able to expose themselves to.
- The process of obtaining a grant from Homes England is highly competitive. Given that public funding is limited, the applicant's efforts would most likely prove futile given the many much larger organisations competing for funds from the same pot.
- As a small private developer, the applicant would need to employ the services of a specialist Public Funds consultant which in itself would cost over £100,000. The time and financial cost of applying for grant funding through this programme with limited hope of securing a grant would simply not represent commercial value for the applicant.
- Grant funding is subject to strict conditions, heavy reporting requirements, and rigorous scrutiny. The applicant does not have the resources needed to maintain this level of compliance.
- The applicant has explored employing a full time funding consultant, however the costs range from between £10,000-£25,000 per month.
- Securing grant funding from Homes England involves a long-term commitment that extends beyond the completion of one development project, encompassing the management of the affordable housing units in the longer term. This is not something the applicant has the resource or infrastructure to do.

- Collaborating with a QIP
 - A QIP would seek substantial control over the development to maintain regulatory compliance, which could extend to constraints on design, construction practices, contractor selection, and the eventual exit. This is not viable for the applicant as a small developer.
 - Collaborating with a QIP would result in the QIP retaining ownership of the completed dwellings. As a small private developer this is not a commercially viable exit option. It is essential that the applicant retains the ability to sell the completed affordable housing units to the Registered Provider that is willing to pay the highest amount for the units.
 - Working with a QIP would significantly reduce the applicant's control over the project and potential for maximising profitability.
 - As private developers, the applicant values the ability to maintain a certain level of privacy around their financials and operations. Becoming a QIP or partnering with one would potentially subject their business to an unprecedented level of public scrutiny.
- PUBLIC BODIES AND GRANT FUNDING
 - Grant funding from public bodies is also accompanied by strict conditions, heavy reporting requirements, and rigorous scrutiny.
 - These conditions, if unmet, could lead to claw backs of the grant, posing a significant financial risk and not something the applicant's organisation is substantial enough to be exposed to.
- OTHER FUNDING SOURCES
 - The process of applying for public funding is highly competitive and complex, requiring a considerable investment of time and resources. The applicant would need to employ the services of a funding consultant which would have a significant cost in itself.
 - As a private developer, the balance of potential benefits versus the inherent risks and costs associated with such funding does not weigh favourably for the applicant.

- While there may be other potential sources of funding, such as charitable trusts or foundations, they too come with rigorous eligibility criteria and conditions.
 - Additionally, the funding amounts are often much less substantial than those offered by Homes England or other public bodies.
 - Whilst there are avenues for grant funding available, they present considerable challenges and potential issues that outweigh the potential benefits for the applicant as a small private developer.
 - The loss of project control, the risk of grant clawback, and the substantial administrative and regulatory oversight make these options unfeasible for the applicant's business model.
 - Consequently, the applicant's approach is to concentrate on providing a mix of housing which includes affordable units to satisfy planning obligations. They do this while primarily targeting the open market where they retain control and optimise profit margins.
- Lender restrictions
 - All the mainstream development finance lenders the applicant works with have been approached in respect to the applicant obtaining grant funding and they have raised an in principle objection to providing funding for schemes that are reliant on grant funding.
 - In the event of the applicant becoming insolvent, the lender would take control of the development under the Law of Property Act. The lenders the applicant works with will not take the risk of having to take control of a project with the added burden public funding regulatory requirements.
 - The only funding available to developers that make use of grant funding are through lenders that specialise in working with RPs. These lenders will only agree to provide development finance for a development that will also use grant funding if the developer is a registered provider.
 - As the applicant is not a registered provider, they would not be able to raise the commercial finance needed to construct the development if they obtained grant funding.

Air Quality Assessment

8.2. Air Quality Assessment

- 8.2.1. An Air Quality Assessment was undertaken in August 2019 in relation to the consented development for a 4 storey building on the site for 21 residential units. The plans were later amended to reduce the number of units to 17 units.
- 8.2.2. Overall, baseline data for that assessment indicated that the annual and 24-hour mean PM10 and the hourly mean NO2 concentrations met the AQO at the development site and would continue to do so in future years. Monitored and modelled data indicated that the annual mean NO2 concentrations at the roadside façade of the development were likely to be within the AQO at that time and in the first operational year.
- 8.2.3. The results of the dust risk assessment indicated that demolition and construction activities could have had, at worst, medium air quality impacts at nearby receptors. Earthworks and trackout activities could have, at worst, low to negligible air quality impacts. These impacts could have been minimised or removed through the implementation of a construction phase dust management plan detailing the appropriate mitigation measures and dust monitoring.
- 8.2.4. Air quality impacts from construction traffic and operational traffic would have been negligible due to the low number of heavy-duty vehicle movements during the construction phase and the reduction in traffic generated by the proposed development.
- 8.2.5. The air quality neutral assessment found that the proposed development fully met the air quality neutral requirements in respect of transport emissions. It was recommended that a further assessment of the CHP system should be undertaken when detailed energy plant and flue specifications were available to ensure that the emissions met the requirements of the Sustainable Design and Construction SPG and to confirm that the proposed development fully met air quality neutral requirements in respect of building emissions.
- 8.2.6. A full Air Quality Assessment has not been provided with this application for principle and scale only as the data would not be accurate until the mix and sizes of units are finalised. This will be provided with an application for reserved matters (layout) or a with a full application for planning consent.
- 8.2.7. The applicant however commits to the following in respect of Air Quality:

- 8.2.7.1. As with any development, there will be associated construction-phase and use-phase impacts on air quality that will be considered and will be minimised as far as possible for both the internal air quality of the Proposed Development and any contributions to external air quality.
- 8.2.7.2. Any external sources of pollution identified will likely be background concentrations of pollutants and road traffic. Any internal sources of pollution are likely to be VOCs from the use of paints, varnishes and finishes as part of the construction works, and the building users themselves.
- 8.2.7.3. To dilute and control the contaminant sources, mechanical ventilation will be included in the building design.
- 8.2.7.4. Potential impacts during the operational phase of the proposed development may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site. These will be assessed against the screening criteria provided within the IAQM27 guidance document. It is expected that there will be a relatively low number of vehicle movements generated by the development and as such, air quality impacts are expected to be not significant.
- 8.2.7.5. MVHR will be installed within all units with appropriate filtration to the system inlets. This will maintain internal ventilation rates with filtered air, without the need for windows to be opened or background ventilators to be installed. Purge ventilation in the form of openable windows is also proposed where additional ventilation is needed.
- 8.2.7.6. Construction and demolition/fabric removal on site will be carried out in line with the Control of Dust and Emissions during Construction and Demolition SPG as a best practice guidance document, to minimise air pollution derived from these activities.
- 8.2.7.7. After building completion - but before occupancy - the building will be flushed out to clear the air of any contamination from internal pollutants. To maintain good levels of indoor air quality, residents will be provided with Home User Guides that detail measures to keep the ventilation systems working efficiently and sustainably.
- 8.2.7.8. The Proposed Development will be a car-free development. Additionally, as part of the mitigation measures, the Proposed Development will provide a minimum of 2 no. cycle parking spaces for every residential unit in addition to at least 10 cycle spaces for the commercial units to promote sustainable means of transportation for the residents.

8.2.7.9. In the unlikely event that, when a full application or application for reserved matters is submitted, the proposed development does not demonstrably reduce the associated emissions, the applicant can agree an offsetting payment for the excess emissions.

Play space and Communal Amenity

8.3. Place Space & Communal Amenity

8.3.1. If the development eventually provided up to 28 units, the requirements for play space and communal amenity would be as follows:

Number of UNITS

	1 bed	2 bed	3 bed	4+ bed	Total
Market / Intermediate	5	11	6	0	22
Social	2	2	2		6
Total	7	13	8	0	28

PLAY SPACE REQUIRED:

49	sq m for 0-4 year olds
37	sq m for 5-11 year olds
30	sq m for 12-18 year olds
116	total sq m for all children

8.3.2. A total of 116m² of play space would be required. The site plan shows that a total of 225m² of communal amenity space is provided to include 125m² for a play area.

Community Involvement Statement

8.4. Community Involvement Statement

8.4.1. A Community Involvement Statement will not be provided at this stage as this is an application for scale only.

- 8.4.2. If consent is granted for principle and scale, a community involvement statement will be provided with an application for reserved matters or with a full planning application

Energy Statement

8.5. Energy Statement

- 8.5.1. The purpose of an energy statement is to demonstrate to the local planning authority that a development will meet the minimum policy requirements of the National Planning Policy Framework, The London Plan 2021 and the Croydon Plan 2018.
- 8.5.2. The energy statement provides information such as the development's carbon emissions, energy efficiency, water usage and heat and power.
- 8.5.3. To be able to calculate the energy savings, carbon emissions, power usage and other related information, the energy assessors require:
- 8.5.3.1. The number of units together with the number of habitable rooms in each unit
 - 8.5.3.2. The detailed design of the building
 - 8.5.3.3. The appearance of the building and the materials to be used
- 8.5.4. The energy statement can only be produced when the final number of units, layout and unit mix has been finalised. As this is an application for scale only with layout as a reserved matter, the energy statement can only be provided with a full application or application for reserved matters.
- 8.5.5. Although an Energy Statement cannot be provided with this outline application, the applicant will commit to the following:
- 8.5.5.1. Heat Pumps: The applicant will use heat pumps in the development. The use of heat pumps are often the most direct method of reducing CO₂ emissions for a Proposed Development with minimal change in aesthetics or the way in which a building is designed. Often a 'straight swap' alternative for a gas system boiler, the use of heat pumps has the potential to provide significant offset in CO₂ emissions through either an individual or communal system approach.

All Heat Pump systems consume electricity to operate - the Coefficient of Performance (CoP) of the system is the ratio of electrical energy consumed, to heat energy emitted. Generally, a CoP of 3 or 4 can be achieved, meaning 3 or 4 units of thermal energy are produced for each unit of electricity consumed. Heat pumps will only deliver low grade heat (up to ~50°C) efficiently, and therefore

HP systems alone are generally relatively inefficient in providing hot water, as this requires additional electrical input (immersion or increased compressor use). It is also important to note that the flow temperatures for ASHP systems is typically

- 8.5.5.2. Photovoltaics: Photovoltaic (PV) panels convert energy from daylight into direct (DC) electrical current. These are generally roof mounted and provide electrical generation which can either be utilised directly on-site (or nearby), stored in batteries, or exported back to the National Grid. The installation of PV could be used to offset electrical demand within the Proposed Development. The PV array would be connected into the electrical system via an inverter or series of inverters, depending on system size and setup, which could potentially power the electrical peripherals & fittings of the communal spaces of the Proposed Development. Noise will not be an issue – A PV system does not feature moving parts and is silent during operation.
- 8.5.5.3. Energy Storage Although it is believed that the PV generation will not exceed usage at the site, the development could have a battery energy store linked to the PV panels which will enable building occupants to use this energy at any required time. Battery storage can also capture power from the grid and use this at times of peak demand. This means building occupants can ultimately save money since grid energy can be stored at certain times of the day when it is cheaper.
- 8.5.5.4. Carbon Offsetting: The London Plan requires all ‘major residential developments’ to be net-zero carbon and states that (Policy SI 2: C.(1))“where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough....through a cash in lieu contribution to the borough’s carbon offset fund” The price of carbon has been set by the London Borough of Croydon Plan at £167/tonne/annum over a 30-year period (£5,000/tonne) for the residual emissions.
- 8.5.5.5. In-use Monitoring: The applicant will ensure monitoring and reporting of actual operational energy performance of the development for at least five years. This works to ensure the alignment of actual and estimated energy and carbon performance, as well as help identify methods for improving energy performance from the project inception stage and throughout the building’s lifetime.
- 8.5.5.6. Lighting: Electrical lighting also represents a significant energy use within a building. 100% low energy lighting will be used to reduce emissions.

- 8.5.5.7. The applicant will deliver passive and active energy demand reduction measures along with low and zero carbon technologies in order to reduce energy demand and associated CO2 emissions resulting from the Proposed Development's operation.
- 8.5.5.8. The applicant will maximise the use of renewables with 35% on site and 10% through energy efficiency measures.
- 8.5.5.9. The applicant will further commit to ensuring that the development is fully compliant with all energy requirements applicable for new development and a condition requiring this to be evidenced at the reserved matters stage can be imposed.

Sustainability Assessment

8.6. Sustainability Assessment

- 8.6.1. For the same reasons provided above, a sustainability assessment can only be provided when the layout and appearance of the building is known.
- 8.6.2. In the absence of a Sustainability Assessment, the applicant will commit to the following:
- 8.6.2.1. The design team will incorporate features to reduce the environmental impact
- 8.6.2.2. of the scheme wherever possible.
- 8.6.2.3. **Passive:** Passive design is a method of using the features of the building to reduce the energy consumption and environmental impact, without the use of mechanical or electrical plant. These techniques include solar orientation, natural ventilation, dual aspect design where possible, low-medium thermal mass, air tightness, and fenestration design. All apartments have access to a private balcony/garden in accordance with policy DM10.4 of the Croydon Local Plan. Window proportions will be designed to increase daylight levels and allow safe opening to facilitate natural ventilation. Units will be dual aspect where possible to achieve natural cross ventilation and minimise the risk of overheating. It will be ensured that all units meet the minimum daylight standards.
- 8.6.2.4. **Potable Water Usage:** It is a policy requirement that new residential dwellings are expected to have internal water usage of less than the 110l/person/day in accordance with Building Regulations Part G. The applicant will work towards a target of 95l/person/day has been proposed for this site. The

Part G Water Usage tool will be used at an early stage to give a guide to the potential internal water usage.

8.6.2.5. **Surface Water:** New developments should seek to mitigate against the future effects of climate change and so far as possible, reduce water runoff from the site and buildings to alleviate the problems of flooding. A Flood management plan will be submitted to provide recommendations that will protect the units from the potential reservoir flooding. There are several methods to deal with surface water runoff which can be used in isolation or in combination. Some are dependent on the building design and others are dependent on soil conditions. The applicant will ensure the situation after construction is better than it was before which will be achievable as the impermeable area of the site will decrease substantially as a result of the new development.

8.6.2.6. **Transport:** Transport arrangements are a key consideration for any new development. The accessibility of public transport to a site is of high importance to both developers and end users. This can be assessed using the PTAL (Public Transport Access Levels) system. This site has a rating of 6a, where 0 is the worst score and 6b is the best. The site is within walking distance of South Croydon rail station and close to multiple daytime bus routes. Secure and accessible cycle storage will be provided to help encourage the future occupants to make more journeys by bicycle. A travel plan will be prepared which will set out a range of measures that will be implemented at the site to encourage and support sustainable travel.

8.6.2.7. **Sustainable Construction:** It is clearly important that a building should be designed to reduce its environmental impact so far as reasonably practical.

8.6.2.7.1. **Site Waste Management:** The build will be operated under a Site Waste Management Plan which will identify the key sources of construction waste, methods for diverting this waste from landfill, identify those responsible for doing so and monitor performance. Although Site Waste Management Plans are no longer a legal requirement, they offer significant environmental benefits and also cost savings, by encouraging waste reduction across the construction team.

8.6.2.7.2. **Pollution:** The contractor will have in place policies on site to minimize air and water pollution from site-based activities. All surface water will discharge into a surface water drain. All foul water will discharge into the foul water drain. All oil and diesel drums will be stored on an impervious base with oil-tight bund with no drainage outlet. All drill pipes, fill pipes and sight gauges will also be stored on this bund. Leaking or empty oil drums will be removed from site and disposed of via a licensed waste disposal contractor. A stand pipe and hose will be made available at all

times on site to damp down arising dust from the demolition process. Particular attention will be paid to damping down procedures during periods of dry and hot weather. All skips will be covered with a suitable cover i.e. tarpaulin or plastic dust sheets. Any lorries removing waste from site will be suitably covered prior to leaving site. A wheel wash will be provided where practical. A drainage report will be submitted separately as part of the planning application.

- 8.6.2.8. **Biodiversity:** The Urban heat island effect will be reduced for this site through the use of maximising landscaped areas and tree planting where possible. Ground floor amenity and surrounding areas will have planters and soft landscaping. Further details of the proposed biodiversity and ecological improvements to the site will be provided separately with an application for reserved matters. The biodiversity of the site will improve from its current state which currently is built up across the entirety of the site. The substantial green amenity space will result in a Biodiversity Net Gain.

Waste Management

8.7. Waste Management

- 8.7.1. A waste management plan provides detail on how waste generated from the development will be managed.
- 8.7.2. The amount of waste that will be generated can only be defined once the layout and housing mix is known.
- 8.7.3. As this is an application for principle and scale only, it is not possible to provide a waste management plan.
- 8.7.4. There is sufficient space on the ground floor to accommodate a refuse store with sufficient capacity for up to 28 residential units, however, this information can only be presented with an application for reserved matters that includes layout.

Daylight/Sunlight Assessment

8.8. Daylight/Sunlight Assessment

- 8.8.1. The purpose of a daylight/sunlight assessment is to provide the local planning authority with evidence that all habitable rooms achieve the required amount of sunlight and daylight.

8.8.2. As this is an application for scale only, it is not known what the final layout or mix of units will be. As such, it is not possible to provide a daylight/sunlight assessment for the development itself.

8.8.3. A daylight sunlight assessment has been provided for the impact of the proposed 5 storey building on neighbouring properties.

Transport

8.9. Transport

8.9.1. Access is a reserved matter and therefore transport is not a material consideration. Accordingly, no transport statement is submitted as the final number of units is unknown.

8.9.2. Planning consent has been granted for 17 units and was found to be acceptable on transport grounds. This therefore serves as a baseline.

Flooding

8.10. Flooding

8.10.1. A previous application was refused on the grounds that the application provided residential units on the ground floor.

8.10.2. No residential units are proposed on the ground floor at this time.

8.10.3. If residential units are proposed on the ground floor at the reserved matters stage, the sequential and exception test will be provided.

8.10.4. If it is deemed to be inappropriate to have residential units on the ground floor then none will be proposed at the reserved matters stage.

8.10.5. There is an extant consent for a new block on the site with commercial units on the ground floor. At the reserved matters stage, only commercial units will be provided on the ground floor if it is found that residential units on the ground floor would be unsuitable.

Draft Heads of Terms- Planning Obligations

9. Draft Heads of Terms - Planning Obligations

The proposed draft heads of terms are as follows:

9.1. Affordable Housing provision of 35%.

9.2. Contribution of £1500/unit towards a CPZ consultation and implementation for the roads to the south of the site and/or improvements to sustainable transport including but not limited to on street car clubs with electrical vehicle charging points (EVCP's) as well as EVCP's in general.

9.3. Removal of residents' access to parking permits and contracts in council run car parks.

9.4. Membership of the car club to be secured for 3 years for all units Travel Plan

9.5. Employment and Training contribution and strategy.

9.6. Carbon reduction and climate change mitigation measures.

9.7. Public realm and highway works

9.8. Street tree contribution

Conclusion

10. Conclusion

10.1. In summarising the merits of the application for the proposed 5-storey residential development at 1a Brighton Road, it is clear that the project has been carefully planned to align with overarching planning principles, policies, and objectives. The foremost considerations that underscore the necessity for the approval of this application are:

10.1.1. Adherence to Planning Principles: The development proposal has been diligently prepared in accordance with the NPPF, London Plan 2021, and Croydon Plan 2018. This ensures that the design does not merely align with local priorities, but harmonises with the broader planning aspirations of the London Plan.

10.1.2. Responsive Design Evolution: Feedback from application 22/04955/OUT has shaped this proposal, especially concerning the scale and massing at the rear. Such adaptability signifies the applicant's commitment to responsive development.

10.2. Strategic Considerations on Height:

10.2.1. Alignment with Precedents: It is imperative to note that this application does not deviate significantly from the scheme approved under reference 19/04199/FUL. The addition of an extra floor is consistent with the recently granted 5-floor scheme at 5 Brighton Road, indicating an established architectural precedent in the vicinity.

10.2.2. Maintained Setback: The design includes a 4.5 m setback from the Swan & Sugarloaf boundary for the new 3rd floor, as opposed to the 10m setback in the approved scheme. However, in reality, given the single-storey element of Swan & Sugarloaf, results in a separation of 15.6m from the main structure of the locally listed building. This ensures that the new proposal remains sympathetic to the setting and context.

10.3. Scale Justification: Given that the local authority approved the 19/04199/FUL and accepted a building height of 16.65m at 5 Brighton Road, it is reasonable to infer that the proposed scale for this development is within accepted parameters.

10.4. Sustainability Commitments: The proposal's proactive approach towards sustainable construction and the environment is exemplary. From passive design measures to transportation considerations, the development seeks to minimise its environmental impact.

10.5. Transport and Accessibility: The site's proximity to public transport hubs and its dedication to sustainable travel options attest to a well-integrated and community-focused design approach.

- 10.6. Ecological and Environmental Sensitivity: The proposal is not merely limited to construction but extends to considerations on waste management, pollution control, and a strong commitment to biodiversity enhancement.
- 10.7. Given the robust arguments presented, and acknowledging the alignment with previously accepted heights and scales in the vicinity, it is asserted that the development proposal for 1a Brighton Road not only aligns with planning expectations but also elevates the scale standards for future developments in the area. The local planning authority is, therefore, respectfully invited to support this application and grant the sought-after outline consent.