

Committee	PLANNING COMMITTEE (A)		Item No. 1
Report Title	FORMER UNITED DAIRIES DEPOT, 2 BARING ROAD SE12		
Ward	Grove Park		
Contributors	Sue Wright		
Class	PART 1	Date 20 MAY 2004	

Reg. Nos. DC/03/54679

Application dated 04.08.03

Applicant RPS Planning Transport and Environment on behalf of Big Yellow Property Co Ltd.

Proposal The redevelopment of the former dairy depot comprising the construction of a part two, part three and part four storey warehouse building plus 3 single storey blocks, accessed externally, comprising 16 units for use as a self-storage facility, together with associated landscaping, widening of an existing vehicular access and the reinstatement of the footpath over two existing vehicle accesses, relocation of the electricity sub-station, erection of railings with brick base to a height of 2.43 metres to the St Mildred's Road boundary, the provision of a bin store and provision of 12 car parking spaces.

Applicant's Plan Nos. 0321 - LP01/A, 0321/PD01K, 0321/PD02K, 0321/PD04C, 0321/PD05E, Planting Layout-333.19.03/B, Noise Assessment, Transportation Statement, Air Quality Review.

Background Papers

- (1) Case File LE/302/ATP
- (2) Adopted Unitary Development Plan
- (3) Revised Deposit Draft Unitary Development Plan
- (4) PPG 1 - General Policy and Principles
PPG 4 - Industrial and Commercial Development
- (5) RPG 9 Regional Planning Guidance for the South East.
- (6) London Plan Spatial Development Strategy for Greater London - Feb 2004
- (7) By Design: Urban Design in the Planning System (2000)
- (8) Circular 5/94: Planning Out Crime
- (9) Human Rights Act 1998

Zoning Adopted UDP - Existing Use
Revised UDP - As above

1.0 Property/Site Description

- 1.0 The application site measures 0.554 hectares and is located on the corner of Baring Road and St. Mildred's Road. Baring Road is a busy classified road and St Mildred's Road forms part of the South Circular.
- 1.0 The dairy buildings that formerly occupied the site faced Baring Road and there are three existing vehicular accesses on this frontage. These buildings have been demolished and the site has been cleared. The application site is currently enclosed on the St. Mildred's Road and Baring Road frontages by a continuous yellow hoarding. The remaining site boundaries abut the curtilages of residential properties in Linchmere Road, Baring Road and St. Mildred's Road.
- 1.0 A two-storey terrace of four houses adjoins the site to the west, on St Mildred's Road. Beyond these are three and four-storey flats and large two storey houses with dormers at roof level. Facing the site to the east, on the opposite corner of Baring Road, is a four-storey block of flats and a recently constructed commercial repair garage. Further east are substantial three-storey Victorian properties with lower ground floors.

1.0 Planning History

- 2.0 The site has a long history of use as a dairy. The first planning record relates to a permission in 1950 for a metal staircase to the manager's flat. Further permissions were granted for the erection of extensions during the 1950s and 1960s, including a bottle bank, electric vehicle maintenance room, cycle shed and parking area and office extension.
- 2.0 Formation of a car park on part of the garden of 'Burnt Ash Farm' was granted on a temporary basis to avoid prejudice to the improvement of the adjoining road junction, becoming permanent in 1983.
- 2.0 In 1989 permission was granted for the use of part of the office premises as an estate agents office. This appears to have been later used as an antiques shop. The premises were vacated in December 2000 and it is understood that the dairy had been running down for some years before its total closure.

Application 'A' (submitted in 2001)

- 2.0 Duplicate applications were submitted in 2001 for the construction of a part two, part three and part four-storey warehouse building plus 16 single-storey external units for use as a self-storage facility. The applicants appealed against non-determination on one of the applications, but after the grant of planning permission on 15 February 2002 for the duplicate application, the appeal was withdrawn. The former dairy buildings were demolished following the grant of planning permission. A copy of the report to Members is attached as an appendix.
- 2.0 Local residents sought judicial review of the Council's decision to grant the February 2002 planning permission, arguing that the Council had made a number of legal errors in doing so. The principal reason was that they contended that the development was an industrial estate development project or an urban infrastructure project and thus a Schedule 2 development for the purposes of the Environmental Impact Assessment Regulations 1999 and that the Council should have issued a screening opinion to assess whether Environmental Impact

Assessment was required and if it concluded that it was, should have followed that process before proceeding to determine the application. The Council's view that the development did not constitute 'Schedule 2' development and therefore was not subject to the Environmental Impact Assessment regime was upheld by the High Court in July. Residents took their case to the Court of Appeal in January 2003. The Court of Appeal took a different view from the High Court, upholding the view that the application was an urban infrastructure project and should therefore have been subject to EIA regime before the planning application was determined. The February 2002 planning permission has therefore been quashed and the application returns to the Council to be re-determined, following the EIA regime. The applicant's agent has requested that the determination of this application be held in abeyance.

Application 'B' (submitted in 2002)

- 2.0 A further application was submitted in May 2002 for a warehouse building, identical in siting, layout, design and massing to the previous application. The site area was reduced from 0.554 hectares to 0.485 hectares by the exclusion of the parcel of land directly on the corner of Baring Road and St Mildred's Road and a small slither of land on the western boundary. The number of external storage units had been reduced from 16 to 15 and the floor area of the external units was reduced by 30 sq m from 399 sq m to 369 sq m. In terms of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the Court of Appeal decision means that the Council must regard the proposal as an urban development project. However, the application site falls below the threshold of 0.5 hectares for this category and therefore no screening opinion is required.
- 2.0 This application was considered by the Lewisham East Area Planning Committee in November 2002 (prior to the Court of Appeal decision to quash the previous grant of planning permission) which resolved to defer the application to allow the applicants to consider creating greater articulation of the building on the Baring Road frontage and/or the potential for setting back/provision of landscaping, to reconsider the choice of materials and to reassess the need for unsupervised night-time opening. At that Committee the applicant's planning consultant confirmed the colour of yellow cladding need not be the corporate yellow and that the level of advertising signage would be sensitive to the location. A copy of the report to Members is attached as an appendix. No formal revisions have been made to this application following the November Committee. Instead, the applicants have sought to address the concerns expressed by Members within the new application under consideration in this report.
- 2.0 As noted previously, two months after the application was deferred, the original planning permission, which was extant at the time when Application 'B' was considered by Committee, was quashed by the Court of Appeal.
- 2.0 Two further applications were submitted in May 2003 but were withdrawn in August to allow further design changes to be made.

2.0 Present Application

3.0 Duplicate applications have been submitted to construct a storage facility comprising the following:

- A main rectangular warehouse building with two ancillary lower height elements attached to the west elevation.
- 16 free-standing single storey externally accessed storage units arranged around the southern and south-western site boundaries.
- 12 car parking spaces, including one disabled space.
- Closure of two of the three existing vehicular accesses and modification of the third existing access furthest from the St Mildred's/Baring Road junction to provide the sole vehicular access into the site.

3.0 The applicant has appealed on grounds of non-determination in relation to application DC/03/54679, which is the subject of this report. The report therefore invites Members to support officers recommendation in respect of the decision that they would have taken, had the appeal not been lodged.

3.0 In relation to the other identical duplicate application, DC/03/54680, the applicant's have indicated that they wish to review the application in light of the conclusions of the recent Urban Design Appraisal document (referred to in more detail later in this report) and do not, therefore, wish to have the application determined at this stage.

Design, Siting and Massing

3.0 The proposed warehouse building would have a gross external floor area of 2,144 sq m. and the externally accessed storage units would have a gross floor area of 397.25sq m. The main bulk of the building would be a rectangular block, approximately 62m in length along the Baring Road frontage. The depth of the building would be 26m, with a height to the ridge varying between 13.6 to 12.4m from ground level and an eaves level roughly 1.8m lower. This would broadly equate to the height of a four-storey building. Beyond this rectangular block, the building would reduce in height where the site abuts the side garden boundary of 2 St Mildred's Road.

3.0 The proposed materials for the main building would include facing brick, glazed blocks, opaque glass panels, composite cladding and a profiled metal roof. The external storage units are shown as blockwork, render and cladding with a profiled metal roof. Some existing boundary treatments would be retained, depending upon condition and other stretches would be replaced with 2.4m security fencing.

Highway Access/Parking

3.0 Pedestrian and vehicular access onto the site is to be provided through the modification of the existing access at the southern end of the site, off Baring Road. The two other access points would be removed and the pavement reinstated. Twelve car parking spaces are shown, including a disabled bay.

Operation of Use

- 3.0 The main building would have a reception area on the ground floor, facing into the site, where new customers would register and obtain a swipe card. The building is intended to be staffed 8 am - 6 pm Monday to Wednesday, 8 am - 8 pm Thursday, 8 am - 6 pm Friday, 8 am - 4 pm Saturdays and 10 am - 2 pm Sundays/Bank Holidays. The entry gate would remain open during this period. Outside of these hours, access is gained via a swipe card at the entry gate. There would be no customer access to the site between midnight and 5 am.
- 3.0 The applicant has provided information on the functioning of the use, which is intended to provide storage space to business customers and private individuals. The storage space sizes would vary from 10 sq ft to 500 sq ft, provided in private units that can be hired for as long as required, with a minimum period of a week. The Company would not allow the storage of anything flammable, perishable or illegal. The externally accessed storage units would be accessed independently by customers and provide a greater flexibility in terms of the range of items which can be stored.
- 3.0 The general pattern at other Big Yellow warehouses is for around 45% of the floorspace to be taken by business customers and the applicant expects the current proposal to generally reflect this pattern. They advise that domestic customers commonly use self-storage to free up valuable living space and that businesses tend to use self-storage facilities for the following:
- To release commercial space by providing storage for items such as stock, stationery, files, office furniture etc.
 - To facilitate business expansion/contraction.
 - To facilitate office moves.
 - To provide a more convenient place to locate stock and services.
 - To allow small businesses to be run from flexible cost-effective premises.
 - To provide archive space.
- 3.0 In relation to security, the applicant states that the buildings would benefit from comprehensive security measures including 24 hour CCTV, sophisticated building alarm systems, computerised gated access and individually alarmed storage units.

Differences from Previous Applications

- 3.0 Using the references Application 'A' to refer to the 2001 application (for which planning permission has been quashed) and Application 'B' to refer to the 2002 application (which was deferred by the Lewisham East Area Planning Committee in November 2002) the main differences between these applications and the proposal under consideration in this report are set out below.
- The current application has the same site area as Application 'A', measuring 0.554 hectares and including the land at the front and rear of the site excluded by Application 'B'.

- The main bulk of the building on the Baring Road elevation has been inset from the back edge of the footpath by 6 metres, compared to applications 'A' and 'B', which are generally between 1.8 - 2m from the back edge of the footpath.
- The current application allows for the provision of a wall and railing boundary treatment and landscaping comprising 8 Evergreen Oaks planted at regular intervals along the Baring Road elevation, with shrub planting below. Applications 'A' and 'B' had no landscaping or boundary treatment along this frontage, denoting the boundary of the site with the footpath with pavement studs.
- Changes have been made to the elevations, introducing greater articulation to the Baring Road elevation. The footprint of the main warehouse has reduced as a result of the set back of the building from the Baring Road frontage. The amount of cladding on the building has been reduced and specifically, the amount of yellow cladding has been reduced. The rainwater goods are now shown as white instead of yellow.
- The 24-hour unrestricted access proposed for applications A and B has been revised, with no access to the site between midnight and 5 am.
- The electrical sub-station to the right of the site entrance has been re-located to the left.

Screening Opinion

3.0 A screening opinion was issued in relation to this planning application under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 on 4 September 2003. The conclusion of that opinion is that the development is either an 'industrial estate project' or an 'urban development project' for the purposes of sub-paragraph 10(b) of Schedule 2. However, having had regard to the environmental considerations raised by this proposal, in particular scale, traffic, emissions, noise and cumulative impact, the Council considers, as a matter of planning judgement and having applied the relevant screening criteria at Schedule 3, that the proposal does not constitute EIA development. A copy of the screening opinion is attached as an Appendix to this report.

1.0 CONSULTATIONS AND REPLIES

Transport For London

2.0 No comments.

English Heritage

4.2 Require a condition for a programme of archaeological work to be carried out to be attached.

Neighbours & Local Amenity Societies etc

- 4.3 Grove Park Community Group
 Grove Park Residents Association
 10 Alanthus Close, 37 Ashwater Road, 213 Baizdon Road, SE3 0UH
 1, F1-4 3, 5, F7 & Units 1-20 5, 5/7, 9, 11, 17&A, 19&A&B, 21&A, 23-27, 29&A, 31A-C, 33A-C, 35, 37, 39&A, 41& F2&F3, 43&GFF&F3, 45-49, 51&A&C, 65A, 69-73, 77-87, 93, 97-101, 107, 109, 115-119, 123-129, 133, 135, 139, 141, 145, 157, 171-175, 20-26, 50&A, 52, 54&F above, 56-60, 62A&B, 64&Mid &Top F, 66&A, 68, 70A-C, 72A-D, 74&A, 76, 78A, 80, 82&GFF, 84-174, 270, 306, 396, Baring Road Primary School, Baring Road
 1-5 Blythe Court, 13-15 Baring Road, 1- 10 Gordon House, 51A Baring Road
 1-6 Martin Court, Birch Grove
 1, 5, 31, 43, 45, 55, 71, 83, 105, 10, 36, 44-50, 64, 74, 94, 106, 132, 134, 156, 160, 164 Bramdean Crescent
 9 Bramdean Gardens, 7 Brightfield Road
 Mayfield 47 Burnt Ash Hill, 1-11 Swallow Court 63 Burnt Ash Hill
 1-6 Glen Court, 67 Burnt Ash Hill
 65B-F, 73A-E, Rooms1-12 75, Rooms 1-8 77, 79, F1-5 101, 109,111, 231, 30A-T, 40A-T, 50A-T, 60A-T, FAa-H 66-70, 72A-D, 74A-D, 76A-D, LF&UF78, F1-6 84, F1-5 86, F1-3, 88, F7&8 88A, 90A-E, F1-5 92, 94, 96A&B, 98, 100A-D, F1-4 102, 104&A, 106&A-D, 108A-D, F1-4 110, 112 & F1-3, 114A-D, 116&B-D, BF GFF FFF&TF 118, F1-3&A 120, BF Garden F FFF&TF 122, BF Garden F FFF&TF 124, 126A-D, Crown PH, Burnt Ash Hill
 1-11 Cheriton Court 107 Burnt Ash Hill, 1-9 Ash Court, 113-115 Burnt Ash Hill
 1-4 Francis Mews, Burnt Ash Hill, 1-6 Harrowgate Court 80-82 Burnt Ash Hill
 1-6 Oakley Lodge 103 Burnt Ash Hill, 1-6 Rowan Court, Burnt Ash Hill
 49 Cambridge Drive, 27 Chinbrook Road, 22 Corona Road, 139c Culverley Road, 67 Elfrida Crescent, SE6, 12 Exford Gardens, 11, 27 Farmcote Road
 136 Fernbrook Road, SE13 5NH, 49 Gables Close, 72 Handen Road
 3, 5, 11-15, 19, 23-29, 33-47, 51-65, 69, 77, 79, 4, 8, 12, 16, 20-24, 30, 32, 42, 44, 48, 50, 54-64 Harland Road
 25, 29, 35A, 41, 51, 20, 52 Heather Road, 1&A, 3-7, 2-10, 10A, 12-22, 22A Helder Grove
 2A-2R, 4A-F Horncastle Road, 1-27 Venture Court, 3 Horncastle Road, 21 Horsa Road
 19 Hoser Avenue, 105, 115, 117, 38, 90, 96, 100, 108 Jevington Way, 1A Kingsand Road
 23, 54 Kingshurst Road, 270a Leahurst Road, SE13 5LT
 8 Meridian Court, Lee High Road, SE13 5PL, F2 17 Lee Terrace, SE3 9TF
 1-51, 2-56 Linchmere Road, 22 Littlewood Road, SE13 6SD
 40B Longhurst Road, SE13 5LT, 290, 292 Manor Lane, 125 Marvels Lane
 1, 5, 9, Rosayn 6 Milborough Crescent, 61 Mount Pleasant Road, SE13 6RG
 38A Nelson Mandela Road, SE3 9QS, 25A, 67 Newstead Road, 6 Oak Apple Court
 1-7, 15, 17, 2-8, 12, 14, 18 Parkcroft Road, 93 Pitfold Road, 1-20 Ratcliffe Close
 1-51, 2-70 Rayford Avenue, 61A Ringstead Road, SE6
 1-3, 7-9, 11A-C, 23-45, LF&UF 47, LF&UF 49, 51-53, 55&A, 57&A, 59&A, 61&A, 63-77, 91-109, 2-6, 8&A, 10, 12&A, 14-96, Willow Tree Stables Ronver Road
 29-33, 35A&B, 37, GFF TF&B 39, 41, 43&A, 45, F1-5 47, 49-53, 55A&B, 57, 85, 2-8, 10A-C, 12A-F, 20A-D, GFF 7 TF 22, 24A-C, 32-98 St Mildred's Road
 2-38 Stoneycroft Close, 1-71, 2-76 Summerfield Street, 14 Tarnwood Park
 1-7, 9&A, 11-73, 2-72, South Lee Christian Centre Waite Davies Road

79 Westdean Avenue, 1-45 (cons) Wildwood Close, 23 Winn Road, 17 Woodyates Road
Armstrong & Co, 2 Dartmouth Road, SE23 3XU
Dalton Warner Davis Solicitors, 21 Garlick Hill, EC4V 2AU
Councillors David Britton, Rachel Collins & Mark Ingelby
Bridget Prentice MP
30 Geraint Road, Bromley, Kent BR1 5DX
Oakleaves, Headcorn Road, Sutton Valence, Kent, ME17 3AU
Ethnam Farm Bungalow, Ethnam Lane, Sandhurst, TN18 5PS
F5 99 Kirkwood Road, SE15 3XU
10 Kelly Road, Falmouth, Cornwall TR11 4JR
F10 Harbour Court, New Street, Falmouth, Cornwall TR11 3HY
Notice on Site and Press Notice

Grove Park Community Group

1.0 Object on the basis that-

- (1) The change of use is incompatible with the area and therefore contrary to the Human Rights Act 1998 and an infringement of convention rights, section 6 on the following basis: the Council hasn't complied with the Town and Country Planning Act 1990, because it hasn't prepared a long term plan for the site, an environmental impact study, or considered the site in the light of community need, which they feel should be for affordable key worker housing, the site isn't designated as 'defined employment area', the change of use has not been followed, Council has a duty to ensure local residents rights aren't violated.
- (2) They consider the white land designation in the UDP to mean that the site is residential and that therefore a Public Inquiry would be needed to change it to 'defined employment area', site could be used for key workers housing-would only create 4 jobs.
- (3) Contrary to Town and Country Planning Act 1990 - no long term plans for the site have been prepared in the light of community needs
- (5) No adequate safeguards to ensure goods stored are appropriate for a residential area - how will Environmental Health, Petroleum Officer, Police and Customs and Excise check to ensure no perishable, flammable or illegal/dangerous goods are stored. Unmonitored storage facilities should not be allowed in a residential area, close to a primary school in the current climate of terrorist activities.

2.0 2 petitions have been received with 939 signatures on each advising that the signatories are wholly opposed to the construction of the Big Yellow warehouse.

3.0 1,015 individual letters of objection have been received from local residents, objecting on the following grounds:-

- (1) The site is within a residential area - an industrial use is inappropriate. It is not in accordance with the UDP. It is not an identified industrial site. The site would be better used for housing, particularly affordable or key worker housing, or for a community facility or retail/restaurant. Should be sited on an industrial estate. Would change the character of the existing residential area.

Low number of projected employees provides insufficient justification for this use. No other Big Yellow sites are in comparable residential locations.

- (2) Previous use of the site was not so intensive/wasn't used as an industrial site but as a dairy with offices, stables and grazing beyond/wasn't entirely industrial.
- (3) The proposed use does not benefit the local community. The previous dairy use provided a service to the community.
- (4) Concerned that the site could become a general storage and distribution centre if vacated by Big Yellow.
- (5) The use will lead to an unacceptable level of noise, litter disturbance and air pollution, as well as light pollution from security lighting, especially since it is open 24 hours and is incompatible with UDP policy to resist incompatible development in residential areas.
- (6) The increase traffic will cause additional congestion and pollution at a junction that is at capacity and will be detrimental to highway safety, especially for elderly and children, particularly in light of the close proximity to the local primary school. Traffic will conflict with the bus stop next to the access. It will lead to increased rat running on adjoining residential streets. Emergency services response will be impeded.
- (7) The external storage units are an unknown quantity in relation to their likely usage and noise generating potential.
- (8) 12 parking spaces on site is inadequate.
- (9) The height and massing of the building as well as the materials and the design are completely inappropriate in this location - the building should be located on an industrial estate. It is over-dominant and out of sympathy with adjoining residential properties. There is a concern that the building will be plastered with advertisements. The site is suitable for two-storey houses or flats. The building shouldn't be higher than the previous two-storey dairy buildings. It will be an eyesore and will dominate the whole area. The yellow cladding is garish and out of character with the area.
- (10) Concerned that the building, which is unmanned at night, will increase criminal activity in the area. Concern about lack of control over what could be stored in the unit. Particular concerns about the storage of flammable materials and potential for fire and explosions or storage of illegal goods such as arms, especially given its proximity to the school.
- (11) Request that a public inquiry be held.
- (12) Contrary to Human Rights.
- (13) Council has a duty to carry out an environmental impact study.
- (14) Concerned about number of applications and wonder how they can re-submit when the original planning permission has been quashed by the High Court.

- (15) Concern about impact of external lighting.
 - (16) Additional traffic will cause damage from vibration to Baring Road and adjoining properties.
 - (17) A petrol station was turned down at 7 Baring Road in 1996 on the basis that it would be overdominant and obtrusive by virtue of depth, height and bulk. Approval of this proposal would be incompatible with that decision.
 - (18) Would not be locally democratic to approve this application in the face of such overwhelming local opposition.
 - (19) Reports on noise and traffic should be challenged as they were produced for the developers to serve their interests.
 - (20) Company have a history of getting permission first then applying to have any restrictions lifted, introduce more lighting, signage etc.
- 4.0 3 letters of support have been received, two from properties in Linchmere Road, stating that they back onto the site and are happy with the proposal (one of which advises that they would not want residential, with the potential for overlooking). The other expresses support for permanent employment being created and advises that he does not consider that it will make any difference to local congestion.

(Letters and Petitions are available to Members)

East Lewisham Conservative Association

- 5.0 Totally opposed. Have serious concerns over:-
- (1) Safety and security - how will Big Yellow ensure that nothing illegal, flammable or perishable is stored?
 - (2) Benefit to local community - uses such as affordable housing, sports facilities etc. would be of benefit to the local community - low projected level of employment means the proposed use is not really creating job opportunities,
 - (3) Traffic and road safety, particularly given school proximity and existing congestion at the junction with the South Circular.
- 6.0 Councillor Rachel Collins objects on the basis that the proposal is not in keeping with the area, may increase traffic and noise and the site would be better suited to a residential development providing affordable housing and that there is uncertainty over whether or not the land is white or brownfield.
- 7.0 Councillor Mark Ingleby objects on the following grounds:
- (1) As the comments of the Council's Design panel have made clear, the current application does not adequately address the demands of proper and recommended practice for quality urban design, especially in terms of height in this particular neighbourhood. By law the Council must consider these criteria.

- (2) There remains an unresolved but crucial issue as to whether the land was designated industrial (according to the text of the UDP) or residential (according to the shading of the UDP map), or erroneously industrial, given the agricultural use that the original dairy stemmed from. The common sense use of this land area must ultimately be one of housing or housing/home-based business use of land, as in other similar higher density areas of the Borough. Storage facility is an industrial use that remains inappropriate to this area and one hopes that the landowner might consider a more appropriate, as well as more profitable use of this land. The aim of the current proposal seems to be to advertise itself to the South Circular traffic - not really proposing storage for the benefit of local Lewisham residents.
- (3) At the time of writing I am not assured that the Council has any statutory power of inspection for such a multiple use public storage facility, which, in a residential area (unlike other Yellow Box sites), could pose immediate threats to residents in the context of illegal or terrorist depositing of dangerous or harmful materials.
- (4) Traffic turning into and out of Baring Road and by extension, St Mildred's Road, will experience considerably enhanced congestion as a result of the access demands of the site. The Croydon Yellow box site quoted in defence of the current traffic assessment does not have 16 individual units and is not sited in a residential area.

Local Meeting

- 8.0A local meeting was held on 16 October 2003 at St. Mildred's Church, St. Mildred's Road chaired by Bridget Prentice MP. Also present were Councillor Mark Ingleby, Councillor David Britton, Councillor Barrie Anderson, John Miller - Head of Planning, Susan Wright - Development Control Team Leader-South. Nobody was present to represent the applicant, Big Yellow Storage Company. 200 people signed the attendance list. The meeting was opened by Bridget Prentice at 8:00 pm, who advised that Sue Wright would be taking minutes.
- 9.0 John Miller outlined the purpose of the local meeting in relation to the planning process. He also gave a brief history of the planning applications on the site and drew attention to the plans displayed at the rear of the hall and the materials shown.
- 10.0 Questions were then invited from the floor, and the following statements and questions arose, with responses to questions from John Miller.
- 11.0 Why does the main area of activity-entrance gates, parking, external stores, reception have to be so close to residential properties? The Council has a duty to preserve the amenities of local residents - the proposal fails to do this.
- 12.0 Response - Unable to comment on applicant's choice of site arrangements. Noise, traffic and air quality reports were submitted with the application, which have been considered by the Environmental Health and Highways sections of the Council.
- 13.0 The noise assessment report is based on Croydon, which has no external units so how can it be valid for this site? - This point needs to be taken on board.

- 14.0 Response - The Council's Environmental Health section has been consulted on the noise assessment report.
- 15.0 How will the contents of the storage units be monitored? At other warehouses, users storing soft furnishings are advised to put down rat poison. Screening of users is inadequate, requiring only two forms of identity.
- 16.0 Response - The Council would not routinely inspect these types of premises. It has powers to intervene if there is evidence to indicate that dangerous or contaminated substances may be stored there. A Court Order would be needed to enter and seize the materials if necessary. The powers that exist are no more extensive than those for lock-up garages or a private property.
- 17.0 Can the Council give a final refusal or can the applicant continue to submit more applications?
- 18.0 Response - If the proposal was refused, the applicant would have a right of appeal and would still be able to submit further applications. An appeal would be likely to take the form of a local inquiry.
- 19.0 Bridget Prentice then added that Councils were able to refuse to determine repeat applications where a similar proposal has already been called in and refused and that this ability was being strengthened under new legislation.
- 20.0 At what point can the Council decline to consider further duplicate applications?
- 21.0 Response - The response is the same as that of Bridget Prentice except to add that there is the issue of similarity and how similar an application would have to be for the council to decline to consider it.
- 22.0 The problems have all stemmed from the approval of the original application. The drawings did not have measurements and should therefore be held to be invalid. The planning department have been obstructive. The UDP allocation is white land, not commercial. The series of applications in relation to the dairy made between 1936 -1966 referred to the site as residential. The current proposal contradicts the Council's housing policies to find more land, with particular reference to HSG 3.
- 23.0 Response - The original drawings were to scale, it was not necessary to annotate measurements. Not sure what the questioner is referring to regarding obstructive behaviour. The zoning of areas at that time (1936-66) changed with the approach taken in statutory plans to the introduction of the UDP. With the UDP, one looks at the previous use of the site when assessing which policies apply unless a site-specific policy is shown on the UDP map.
- 24.0 Councillor Ingleby emphasised the importance of the quality of urban design as a planning consideration and the comments of the Design Panel set up by the Council in relation to particular planning applications. He read out the comments of the Panel in relation to the applications that were withdrawn shortly before the latest submissions and which are so similar to them that the Design Panel does not wish to comment further.
- 25.0 Response - the comments of the Design Panel have varied in relation to the series of applications. The latest are critical of the proposal and are an important consideration.

- 26.0 Bridget Prentice - Officers seem determined that the site should not be used as residential. Why is it not possible to re-designate the site for another use?
- 27.0 Response - There is no particular determination on officers part. In relation to why the site had not been designated for housing purposes, the UDP review process takes 5 - 6 years - at the time of the review, this site was still operating as a dairy and therefore did not receive consideration as a site with housing potential. Although it may have that potential now, the applicant has submitted for a commercial use and the Council has a duty to consider their application.
- 28.0 Prior to the introduction of the UDP, the site was zoned as residential in the previous Development Plan and this designation was carried over into the UDP. The first floor of the dairy building contained residential accommodation. A change of use is required to use as employment land.
- 29.0 Response - Although it is not John Miller's understanding that the Development Plan uses carry over into the UDP, it is an interesting view that will be taken back and investigated.
- 30.0 The height of the building is inappropriate - it is a four storey building replacing a two-storey block with residential on the first floor.
- 31.0 Response - Whilst it is not a site use zoning point, it is a design issue and is a perfectly relevant consideration.
- 32.0 Bridget Prentice stated that, in relation to the previous residential use of the first floor being minor, she regarded an employment use that created 2 - 5 jobs as also being minor.
- 33.0 Can an assurance be given by planning officers that they will recommend refusal?
- 34.0 Response - No
- 35.0 The building has been set back by 6m and the hours of opening have been changed - does this mean that permission will be granted by the planning department.
- 36.0 Response - Members deferred an earlier application for a set back/greater articulation/landscaping and hours of opening to be considered, but did not specify what would be acceptable. Members are free to reach whatever decision they wish on the application in relation to the Council's policies.
- 37.0 The recommendation of officers to Committee is based on what and is for whose benefit?
- 38.0 Response - Officers take an objective view of all the issues - it is not a question of taking sides. Members can accept the recommendation of officers or take another view.
- 39.0 Grove Park Community Group representative stated that there had been lies and deceit in the handling of the application. He had attended all the UDP meeting and the zoning of the previous Development Plan carries forward and the land is therefore residential. Affordable housing would be a preferable use for the site. What will the recommendation be to Planning Committee?

- 40.0 Response - The point regarding the previous Development Plan zoning will be looked at. Within the UDP, white land is not zoned and contains all kinds of uses, not just residential. The report is not complete, therefore there is no recommendation at present and all points raised will be investigated.
- 41.0 Councillor Britton advised that he had voted against the previous applications and didn't see that this one was much different. The model produced by local residents (displayed at the meeting) reinforces his view that the design is inappropriate and the use is inappropriate. The use of multiple applications is unacceptable, as was the submission of a further application when the first was still going through the Courts and amounts to a bullying tactic, seeking to wear down the resistance of the local community. He stated that a housing company had offered to buy the site. It has value to Big Yellow as a gateway site, but their proposal has no local benefit. He emphasised that there had been over a 1,000 letters of protest and drew attention to the change of use of the commercial site next to Lee station to residential.
- 42.0 Why hasn't the Council's Economic Development Officer found the applicant another site within the Borough?
- 43.0 Response - The applicant wishes to pursue this site and hasn't asked the Council to find another.
- 44.0 When a company buys a site, is there any process of enquiry prior to purchase that will indicate to them whether or not they are likely to obtain planning permission?
- 45.0 Response - The site was bought speculatively on the open market.
- 46.0 No matter what the size or appearance of the building, is traffic generation is a risk to the health and safety of local residents.
- 47.0 Response - The traffic assessment report has been examined by the Highways Officer for his views.
- 48.0 The model produced by local residents is to scale and the materials are generally correct. The wall and railing and the building will be overdominant from the pavement because of their height. Wouldn't it be better sited on an industrial estate?
- 49.0 Response - The application has been made on this site, rather than an industrial estate, and the Council has to consider it.
- 50.0 The web site advises that the 'Blackheath' store will open in 2004 - is this the same site?
- 51.0 Response - Don't know how the applicant is describing this site.
- 52.0 Big Yellow like high profile sites, but don't consider the views of residents.
- 53.0 Planning Committee should be reminded that local residents are all rate payers and have a vote.
- 54.0 Response - These are statements rather than questions.

- 55.0 Does the Council have the costs to date for the legal challenge?
- 56.0 Response - Doesn't have those figures to hand.
- 57.0 Bridget Prentice stated that planning was too reactive and defensive and that it would be useful for the Council to be pro-active. This was the Government's approach in reforming the planning system.
- 58.0 Barrie Anderson stated that the proposal was inappropriate for this site and that minutes of this meeting should go out to all interested parties, well in advance of the meeting.
- 59.0 John Miller advised that copies of the minutes would go to Ward Councillors and Grove Park Community Group and it was also agreed that a copy would go to St. Mildred's Residents Group.
- 60.0 Bridget Prentice gave thanks to those attending and assisting with the meeting. She drew attention to the publication 'Sustainable Communities - Delivering Through Planning' and stated that the site needed a useful and sustainable development which gave residents pride. She urged residents to write with their objections to the Members of Planning Committee East prior to the 30th October Committee.
- 61.0 The meeting closed at 9:15 pm.
- 62.0 Three further objection letters were received following the local meeting from Grove Park Community Group, Dr. Fox and Bridget Prentice MP. Those from Grove Park Community Group and Dr. Fox re-iterate the comments made at the local meeting in relation to the status of the site, which they consider to be 'zoned' for residential use. Bridget Prentice MP's letter objected to the proposal on the basis that she queried whether or not the site was zoned for residential, was concerned about detrimental impact on residential amenity and considered that the site would be more beneficially used for housing or mixed use. These points are responded to under the Planning Considerations section, later in this report.

Design & Conservation Panel

- 63.0 As this proposal is for a relatively minor amendment, to a proposal previously considered by the Panel, it was not felt necessary to give further comment. Comments on the previous similar proposal (now withdrawn) were as follows: Panel felt the plans failed to show the site context. General feeling that the proposal represented dated 1980's architecture and that a building of this scale and size could not be successfully incorporated into its site context. Panel felt the design failed to address the street given the poor location of the entrance and that there was inadequate amount of translucent/transparent glazing to the elevations. Fencing would have an alienating effect on passers by.

Highways and Transportation

- 4.67 No objections.

Environmental Health

- 4.68 No objections in relation to air quality and noise assessment reports subject to the imposition of suitable conditions in relation to noise, including no HGV's to visit the site outside of specified hours.

1.0 Policy Context

Planning Policy Guidance Note 1 - General Policy and Principles

- 5.0 Section 54A of the Town and Country Planning Act 1990 requires the Council to determine applications for planning permission in accordance with the policies in the development plan unless material considerations indicate otherwise.
- 5.0 Paragraph 17 of PPG 1 advises local planning authorities to reject poor designs, particularly where their decisions are supported by clear plan policies or supplementary design guidance which has been subjected to public consultation and adopted by the local planning authority. Poor designs may include those inappropriate to their context, for example those clearly out of scale or incompatible with their surroundings.

Planning Policy Guidance Note 4 - Industrial and Commercial Development

- 5.0 Paragraph 13 of this document states that development control should not place unjustifiable obstacles in the way of development which is necessary to provide homes, investment and jobs, or to meet wider national or international objectives. However, the paragraph goes on to say that planning decisions must reconcile necessary development with environmental protection and other development plan policies.

Regional Planning Guidance Note 9 for the South-East

- 5.0 The guidance places emphasis on the importance of design in relation to urban renaissance.

London Plan Spatial Development Strategy for Greater London - February 2004

- 5.0 Policy 4B.1 requires that Borough's should seek to ensure that developments: maximise the potential of sites, create or enhance public realm, provide or enhance a mix of uses, are accessible, usable and permeable for all users, are sustainable, durable and adaptable, are safe for occupiers and passers by, respect local context, character and communities, are practical and legible, are attractive to look at and where appropriate, inspire, excite and delight, respect the natural environment and London's built heritage.
- 5.0 Policy 3B.1 encourages the development of London's economy, seeking a range of premises of different types, sizes and costs to meet the needs of different sectors of the economy and firms of different types and sizes.

Adopted Unitary Development Plan

- 5.0 Policy EMP 5: Development Outside Defined Employment Areas states that applications for the redevelopment, in whole or in part, of land currently or previously used for employment purposes, but not designated as a Primary or Secondary Employment Area, will be approved where they are for an employment use and the site is still considered suitable for such a use, having regard to the criteria in policies BLT.ENV 1, BLT.ENV 3 and TRN 22.
- 5.0 Policy GEN.EMP 4: Design of New Development seeks to secure high standards of layout, design and construction in new industrial and commercial development and Policy EMP 17: New Industrial and Commercial Development expects all new industrial and commercial development to be attractive, neighbourly and to meet the functional requirements of the occupiers. It then goes on to say that the Council will only permit new development which complies with the general layout and design criteria in policies BLT.ENV 1 and BLT.ENV 3.
- 5.0 Policy BLT.ENV 1: Urban Design provides that, to ensure a high standard of layout and design in new development, a proposal should where appropriate:
- (a) have had regard to the conservation of historic, cultural, flora, fauna, geological and physiographical features of the site and its surrounding area
 - (b) have an intelligible and memorable layout and design which is compatible with surrounding land uses and in the case of larger schemes, utilises mixed uses as a component of a varied environment
 - (c) demonstrate through its land uses, layout and design that the safety and privacy of neighbours, occupiers and users has been taken into account
 - (a) ensure good accessibility to all users, particularly for people with disabilities
 - (e) show that the scale of development and its appearance and materials is compatible with the character and appearance of its surroundings, having regard particularly to the qualities of environmentally sensitive areas including those which are the subject of policies NAT.ENV 2, 5 and 16 and BLT.ENV 12, 13, 15, 18, 19 and 21
- 5.0 Policy BLT.ENV 3: Landscape states that applications for development should, where appropriate, include landscape proposals for all land not occupied by buildings.
- 5.0 BLT.ENV 4: Trees the Council will seek to maintain, protect and increase the number and quality of trees in the Borough.
- 5.0 ENV.PRO 4: Noise and Other Nuisances the Council will not permit development that would lead to unacceptable levels of pollution or nuisance.
- 5.0 TRN 29: Heavy Goods Vehicles supports the control of heavy goods vehicles at nights and weekends and the parking of such vehicles in residential areas.
- 5.0 HSG 18: Residential Environment the Council will do all within its power to improve and safeguard the character and amenities of residential areas including resisting the siting of incompatible development and seeking higher standards of design and landscaping.
- 5.0 Also of relevance is Policy TRN 22: Parking Control and Supplementary Planning Advice Note (SPAN) 15 Industrial Development.

Revised Deposit Draft Unitary Development Plan

- 5.0 The Inspector's Report of the Public Inquiry into objections to the Revised Deposit Draft Unitary Development Plan was issued in June 2003 and the proposed modifications were placed on deposit in February 2004, with a view to adoption later in the year. The policies contained in the Revised Deposit Draft are therefore a material consideration.
- 5.0 Policy EMP 3 Employment Sites outside Defined Employment Areas states that applications for the redevelopment, in whole or in part, of land currently or previously used for employment purposes but not falling within a Defined Employment Area will be approved where they are for an employment use and the site is still considered suitable for such a use, having regard to other relevant policies in the Plan.
- 5.0 Policy URB 1 Development Sites and Key Development Sites advises that the Council wishes a high standard of design and townscape quality to be achieved on all development sites, in particular, sites identified in the Proposals Schedule and Proposals Map and on all sites that might be developed during the lifetime of this plan. Sites that contribute strongly to the image of the Borough, by reason of their location or size, are identified as Key Development Sites in the Proposals Schedule.
- 5.0 Within the reasons for the policy, it advises that the views from major through routes dominate the traveller's overall impression of the Borough's character.
- 5.0 Policy URB 2 Urban Design expects a high standard of design in new development, taking the following factors into account, where appropriate
- scale and mass of development, particularly where a new development might be out of scale with the existing surrounding development;
 - layout and access arrangements, which may include the avoidance of large areas of parking and servicing uninterrupted by landscaping;
 - relationship of development to the existing townscape which should maintain or complement the surroundings;
 - the height of the development should be in scale with adjoining buildings.
- 5.0 Policy URB 3 Designing Out Crime requires developments to be designed to provide and improve safety and a secure environment, including ensuring that active frontages address the public realm.
- 5.0 Policy HSG 3 Residential Amenity, URB 12 Trees, ENV.PRO 9 Noise Generating Development and TRN 27 Car Parking Standards broadly reflect the current UDP policies HSG 18, BLT.ENV 4, ENV.PRO 4 and TRN 27 as listed above.
- 5.0 Further relevant design advice is given in 'By Design: Urban Design in the Planning System (2000) and Circular 5/94: Planning Out Crime.

2.0 Planning Considerations

6.0 The key issues in relation to this application is the acceptability of the proposed use in relation to the Council's policies and the previous planning history of the site, the acceptability of its design, massing and layout and the traffic and noise implications of the proposal, taking into consideration the policies listed in the Policy section earlier in the report, including those designed to protect residential amenity.

Acceptability of Proposed Use

6.0 In terms of Council policy within the UDP and the Revised Deposit Draft UDP, Policies EMP 5 and EMP 3, relating to 'Development outside Defined Employment Areas' and 'Employment Sites outside Defined Employment Areas' respectively apply to 'Applications for the redevelopment, in whole or in part, of land currently or previously used for employment purposes but not designated as a Primary or Secondary Employment Area ('Defined Employment Area' in the Deposit Draft UDP). The previous use of the site as a dairy depot falls into the category of employment use, therefore the above policies are applicable.

6.0 These policies advise that applications for redevelopment on such sites will be approved where they are for an employment use provided that the site is still considered to be suitable for such a use, having regard to other relevant policies in the plan. The purpose of the policy is to protect existing employment uses within the Borough in order to provide valuable local employment opportunities. Whilst the proposed self-storage use would not generate significant employment levels, the principle of the use would comply with the desire to retain employment uses on the site.

6.0 Local residents have expressed a variety of views in relation to the proposed use, which can be generally summarised as follows:

- The use is not in accordance with the UDP
- The site is not allocated as commercial.
- A change of use is involved and a commercial use is not suitable in a predominantly residential area.
- Development for a mixed use/affordable housing use would be preferable.

6.0 The view of some residents that weight should be afforded to a previous residential zoning in the Initial Development Plan is not correct. The Initial Development Plan has been replaced by the adopted Unitary Development Plan and the Revised Deposit Draft Unitary Development Plan has reached an advanced stage of preparation. Upon adoption, the UDP replaced, it did not incorporate, all the previous statutory plans produced by the Borough and the Initial Development Plan and the Greater London Development Plan. Historic designations are not automatically carried over from statutory plan to statutory plan. The IDP zoned most areas of London for a particular use - such comprehensive zoning is no longer viewed as necessary as policies in the UDP provide a framework for decisions affecting existing uses.

The application site has no zoning within the UDP or the Revised Deposit Draft UDP - it is 'white land'. White land is land that has no site - specific policy such as urban green space, shopping core area, defined employment area etc. The 'white land' on the UDP Proposals Map contains housing, shops, restaurants, offices, industry, leisure and many other uses. The policies that apply to a particular site with no designation depend upon the site's planning history. The site has had a history of employment generating uses and as a consequence (irrespective of the fact that the former dairy buildings have been demolished), the proposal would be in accordance with Council policy to retain such a use.

- 6.0 In relation to local residents' preference for other uses, such as mixed use or affordable housing, the Revised Deposit Draft UDP policy does not preclude consideration of such uses and the benefits of proposals for other uses could be weighed against the benefit of retaining land in employment use. Indeed, the text accompanying EMP 3 acknowledges that mixed use developments, including housing uses, can help to achieve the aims of the physical and economic regeneration of the Borough. If a mixed use or residential proposal had been submitted to the Council it would have been considered in this light. However, the Council has to consider the proposal currently before it in the context of policies that advise that such proposals will be approved, unless the site is no longer considered suitable and in the context of other relevant policies in the Plan.

Design/Massing/Layout

- 6.0 The previous application was deferred at the Area Planning Committee in November 2002. One of the reasons for deferral was to allow the applicant to consider providing greater articulation to the building on the Baring Road frontage and/or the potential for setting back/provision of landscaping and to reconsider the choice of materials.
- 6.0 The applications now under consideration have been amended in response to the concerns expressed by Members in relation to the previous application. The main warehouse building has been set back 6 m from the Baring Road frontage, with a new wall and railing along the pavement edge. Eight evergreen oaks are proposed along the boundary, behind the boundary wall, with shrub planting underneath. The Baring Road elevation now has a central projecting brickwork bay, incorporating blank glass panels, as well as the bays with curved glass blocks at each corner. It utilises brickwork for the lower part of the elevation, including contrasting brick pilasters between the bays, with cladding above. The main building is set back from St Mildred's Road and the elevation that fronts the South Circular is a mixture of facing brick and cladding with glass blocks used to create curved corners. The applicant has provided photo-montages of both elevations to show how the building will appear in the street-scene. These show the proposed extent of yellow cladding to the building, which is a 2 m deep horizontal stripe on the St Mildred's Road elevation and a 1m deep horizontal stripe to the Baring Road elevation. The remainder of the cladding is shown as white. No samples of the brick type or the proposed white and yellow cladding have been provided, although at the previous Area Planning Committee in November 2002, the planning agent confirmed that it need not be the usual strident corporate yellow used by the Yellow Box Storage.
- 6.0 The above design changes, made in response to Members' expressed concerns, are noted. However, the context in which the current duplicate applications need to be considered has changed since November 2002.

- 6.0 When the previous planning application was considered and deferred by Members in November 2002, it was in the context of an extant planning permission being in place for a very similar development, which the applicant could implement. Although the Council's decision to grant planning permission had been challenged by local residents (see Planning History section above), the Council's view that the development did not constitute 'Schedule 2' development and therefore was not subject to the Environmental Impact Assessment regime had been upheld by the High Court. However, in January 2003, the planning permission was quashed by the Court of Appeal. These current applications, do not, therefore, have to be considered against the background of an implementable planning permission for a similar development.
- 6.0 The Inspector's Report of the Public Inquiry into objections to the Revised Deposit Unitary Development Plan was published in June 2003. Planning Policy Guidance Note 1 advises that the weight that can be attached to policies in emerging plans increases as successive stages in the route to adoption are reached. Policy URB 1, referred to in the policy section above, places particular emphasis on the need for high quality design on sites that make a contribution to the image of the Borough by reasons of location or size. The reasons refer specifically to the views from major through routes. Although the application site is not included in the list of Key Development Sites associated with this policy, this is due to the fact that the site did not seem likely to come forward for development at the time of the initial plan preparation and had received planning permission (subsequently quashed) at the time of making pre-inquiry changes. Located on a corner site, with a frontage onto the South Circular, one of the key major through-routes in the Borough, the site is indisputably one that contributes strongly to the image of the Borough.
- 6.0 In relation to the objections to the application, design has been a particularly contentious issue. The Council's Design Panel objected to earlier applications and its views have strengthened with successive applications. Officers view the application site, with its prominent location, as being highly important from an urban design perspective. Advice contained in previous reports was that the design was acceptable. However, given the differing views of the Design Panel and the fact that the permission has now been quashed, it was considered desirable to commission specialist design advice in respect of the current applications. This specialist design advice was commissioned from Llewelyn Davies, a private architecture, planning and design consultancy, who have carried out an urban design appraisal of both the originally approved (now quashed) scheme and the latest applications now under consideration.
- 6.0 Llewelyn Davies's remit was to assess the extent that the original and latest applications comply with Council's design policies in the Adopted Unitary Development Plan and the Revised Deposit Draft Unitary Development Plan. An assessment of the proposals' compliance with policies, guidance and advice contained within the PPG companion publication, 'By Design': Urban Design in the Planning System' (2000), Regional Planning Guidance No.9, Circular 5/94: Planning Out Crime and the London Plan (2004) has also been undertaken.
- 6.0 An extract of the report is attached as an appendix, giving the appraisal of both applications and the report conclusions (a full copy of the report is available to Members). In summary, the main conclusions were as set out below.

- 6.0 In relation to urban form, neither proposal is considered to respect the existing neighbourhood character, introducing a building type that does not exist in the area. The warehouse would be perceived as larger in scale than the buildings around it because of its monolithic 'shed' form, without any breakdown into smaller units by window size and location, roof form and variation in building form. The lack of usable windows or doors onto Baring Road removes the possibility of contributing to street safety through informal surveillance. The elevational treatment of the proposals is considered to be inappropriate in the context of an established primarily residential area. The existing eclecticism in the local design styles is still underpinned by a consistency of scale and massing to which this proposal does not respond or give recognition. In relation to the design differences between the 'quashed' proposal and the latest applications, there is considered to be very little difference in fundamental scale, massing and form. The softened edge along Baring Road, incorporated into the latest scheme, would not alter the impact of the bulk of the building on the streetscape.
- 6.0 The consultants' overall conclusion, therefore, is that the latest applications fail to achieve satisfactory standards in urban design and in doing so, contravene national, regional and local planning guidance and policies, namely 'By Design', RPG 9, the London Plan, Planning Circular 5/94, Policies BLT.ENV 1, GEN.HSG 5, GEN.BLT.ENV 1 and Policy HSG 18 of the Adopted Unitary Development Plan and URB 1, URB 2 and URB 3 of the Revised Deposit Draft.
- 6.0 The planning agents for Big Yellow were given the opportunity to respond to the conclusions of the Llewelyn Davies report and their full comments are attached as an Appendix. In summary, however, the main points of their response are considered to be as follows.
- (0) They query the need for a design appraisal at this stage given the length of time that applications for a self storage warehouse on the site have been under consideration, the fact that previous reports have described the proposals as acceptable in design terms and that they do not consider there to be any particularly sensitive design issues to consider. They do not view the site as having any special or historic characteristics or policy designations that specially characterise it in design terms and note that the Llewelyn Davies report accepts that the area is one of a mix of building types and heights with no strong identifiable character.
 - (0) They considered the brief to the design consultants to be defective because they were not asked to consider the site's planning history or the employment policies in the UDP and they did not consider that the consultants should be, or were in a position to, recommend refusal of planning permission since the decision needs to be based on a balancing of all relevant issues, not just design.
 - (0) They regard their building as an appropriate design for a commercial use that is still respectful of the urban grain. They are of the opinion that the report appears to be promoting a 'pastiche' development which, in their view, would make a weak design statement. They consider the scale of the building to be appropriate to the arterial roads that the building faces and do not consider that there is a skyline to respect. They consider that the amenity of the residential areas will be improved by the replacement of the dairy with a quieter use, which will form a buffer to the noise and pollution of the traffic junction.

They think that there is sufficient surveillance of the street frontages from nearby dwellings without the inclusion of active street frontages to their development. They do not accept that their building does not achieve a high standard of design and townscape quality and consider the use of an architectural style that contrasts with its residential surroundings to be appropriate to the site.

- 6.0 Officers have given careful consideration to the conclusions of the consultants' report and to the response from the planning agents for the application.
- 6.0 In relation to the agent's response, officers disagree that there are no particularly sensitive design issues to consider - the site is in a gateway location on the corner of two main traffic routes through the Borough. They also disagree that the brief to the consultants was defective. Advice was being sought on design issues only. Although the consultants' report states that they consider that there are sufficient grounds to refuse planning permission on design grounds, they were not being asked to consider and balance design issues against all the other relevant planning issues in relation to this proposal. This is the function of this report.
- 6.0 Officers are in agreement with the conclusions of the Llewelyn Davies report and do not consider that the RPS response deals convincingly with the criticisms raised in relation to the inappropriateness of the scale and massing of the building in its site context, the lack of interaction at street level and the standard of design. The Llewelyn Davies report does not advocate a 'pastiche' of a residential form of architecture - it advises that the development should respect its site context.
- 6.0 As noted earlier, the design issue must be balanced against all other material considerations, including the acceptability in principle of employment use on this site, the desirability of making best use of urban land and the position of the Council in respect of previous applications prior to receipt of the Llewelyn Davies report. However, it is considered that these factors do not justify acceptance of a scheme of inappropriate design, scale and massing and that there is no reason why employment uses of a more appropriate scale, design and massing could not be accommodated at the site. Officers are in agreement with the main conclusions of the Urban Design Appraisal and consider that the application should be refused on design grounds.

Traffic/Highway Safety/Congestion

- 6.0 In relation to traffic issues, concerns have been expressed about traffic generation and highway safety problems, particularly from large HGV's, bearing in mind the close proximity of Baring Road Primary School to the application site. The applicant has re-submitted the same traffic assessment report as submitted with the previous application, which had a slightly higher overall floor area. The assessment is based upon data acquired from their Croydon store, which is of a comparable scale. The proposed self-storage warehouse at Baring Road has a potential net internal storage area of 5,574 square metres. Trip rates (representing trips per 100 square metres of internal storage space as observed in Croydon) have been applied to the potential storage area to predict the development's 'worst-case' traffic generation, based on 85th percentile values for additional robustness. The assessment predicts the following:

- Morning traffic peak 8-9am - 3 arrivals and 3 departures
- Evening traffic peak 5-6pm - 5 arrivals and 5 departures
- Night 10 pm - 7 am - 16 arrivals and 16 departures (1 - 2 per hour)

6.0 The report concludes that:

6.0 “The impact of the proposal on both existing and proposed residential properties in the vicinity of the proposal will not be significant. The trips generated by the development during the daytime will not be material in terms of the existing traffic on the highway network and will be imperceptible in terms of noise and traffic impact.

6.0 Between the hours of 1900 and 0700 the level of traffic generated by the proposal will be similar in quantity and character to that which could be expected in a residential area and as such is not to be considered to have an adverse traffic effect by way of noise or environmental impact”.

6.0 It should be noted in relation to the above figures that the applicant has agreed that there should be no site access between midnight and 5 am, in response to Members and residents concerns about unsupervised night-time access. During the hours that the warehouse is manned, the entry gate will remain open. Outside of these hours, the applicant proposes to restrict hours for HGVs entering or leaving the site to 0800 - 1800 hours Mon - Fri, 0800 - 1600 hrs on Saturday and at no time on Sundays or Bank Holidays. This is in order to prevent problems of HGVs blocking the highway when the building is not staffed and also to prevent noise disturbance to local residents. The report demonstrates that there is sufficient space for an HGV to enter and exit the site in forward gear.

6.0 Based on the traffic assessment report, the main vehicles using this facility would be domestic sized cars or vans. The report shows that a transit-sized vehicle has sufficient room to wait outside the gate without blocking the footway. Residents have raised concerns in relation to the impact of the proposal on the amount of traffic using side roads and the effect on the controlled traffic signals on the corner of Baring Road and St Mildred’s Road. The traffic assessment report indicates that the trips generated by the development during the daytime will not be material in terms of the existing traffic on the highway network.

6.0 The Highway Engineer has raised no objections to the report or its conclusions, which is that there will be no material impact on the local highway network in terms of traffic volume or highway safety. He does not consider that the traffic levels predicted would cause a significant conflict with use of the adjacent bus stop. Officers are happy that suitable conditions, restricting hours of opening generally and for HGVs visiting the site specifically, would be sufficient to prevent unacceptable noise and disturbance to adjoining residential properties. Transport for London do not have any observations on this application.

Noise and Disturbance

6.0 The noise assessment submitted with the original proposal has been re-submitted, which assesses the noise generation from cars, HGVs, external and internal roller shutter doors and external ventilation and air conditioning plant. It is based on predicted traffic flows, hours of operation and background noise levels. The source levels for opening of doors, is taken from an existing site. The Environmental Health Officer is happy with the approach taken and based on there being no HGV movements at night, is happy that for all the different noise levels, compared to the existing background level, noise disturbance to neighbours would be unlikely, subject to the imposition of suitable conditions in relation to hours of usage by HGVs, use of amplified sound systems, noise level from fixed plant and general noise levels within the site.

Impact on Air Quality

6.0 The site is situated within an Air Quality Management Area. An Air Quality report was submitted with the application. The report has been examined by the Council's Environmental Health section and they consider that there would be no significant impact on air quality.

3.0 Human Rights Implications

7.0 The Human Rights Act 1998 effectively incorporated a large number of the rights set out in the European Convention on Human Rights into English law.

7.0 Section 6 of the Act imposes a duty on the Council, as a public body, not to act in a way, which is incompatible with the rights referred to in the Act. There is an exception in Section 6 of the Act, to the effect that the Council will not be acting unlawfully if Acts of Parliament mean that it can not act in any other way.

7.0 The relevant human rights in this instance are:

7.0 Article 8; which includes the right of respect for private/family life and for the home; and

7.0 Article 1 of Protocol 1; a person's right to peaceful enjoyment of their possessions.

7.0 However, these rights are not absolute and may lawfully be infringed in certain defined circumstances.

7.0 In the case of Article 8, this includes infringements that are necessary in the interests of the economic well-being of the country, or for the protection of the rights and freedoms of others. With regard to Article 1 of Protocol 1, infringement is permissible where in the public interest.

7.0 In either case, the infringement must occur in accordance with, or subject to the conditions provided for by, the law. The infringement must also be proportionate; i.e. it must achieve a fair balance between competing interests and not go beyond what is strictly necessary to achieve the purpose involved.

7.0 The right of an adjoining owner to apply for planning permission to develop their land would clearly fall within the exceptions to these two Articles. As this right is subject to the development control regime created by the Town & Country Planning Act (which is the only mechanism open to the Council for considering development proposals), its exercise occurs within the provisions laid down by the law and is proportionate.

4.0 Consultations

8.0 Most of the issues raised by local residents have been dealt with in the 'Planning Considerations' section above.

8.0 Whilst fear of crime and the fear that illegal/dangerous goods might be stored are material considerations, officers consider that they should be given little weight in light of the security measures that would be in place. Users of the site would be required to provide proof of address and sign a licence undertaking that no dangerous substance or illegal goods would be stored, that the site would be CCTV monitored, that the gates when unmanned required a card to enter and that there would be an infra red band around the building. There would be no access to the site between midnight and 5 am.

8.0 Concern has been expressed about the potential for the building to be used by another storage and distribution operator with different traffic generation characteristics, capable of having a much greater environmental impact. Officers consider this to be a valid concern although a condition could be imposed that would allow the Council to consider the environmental implications of a use other than self-storage.

5.0 Conclusion

9.0 Having considered the proposal in the context of the Council's planning policies and all other material considerations, the proposal is considered to be acceptable in terms of the principle of an employment use, traffic, noise and air quality impact. However, it is not considered to be of a sufficiently high quality design for this prominent corner site and would detract from the image of the Borough. The favourable elements of the scheme outlined above, along with the employment potential of the development, are not considered to outweigh the objection on design grounds.

6.0 RECOMMENDATION:

10.1 Resolve that, had an appeal against non-determination not been made to the Planning Inspectorate, the Planning Committee would have **REFUSED PERMISSION** for the following reason:

- 1.0 The proposed warehouse building, by virtue of its inappropriate scale, massing and design, lack of interaction with the street frontage and extensive use of cladding, is considered to of insufficiently high design quality for this prominent corner site, out of character with the grain of development in the surrounding area, and detrimental to the creation of a secure environment and is therefore contrary to Policies BLT.ENV 1: Urban Design and HSG 18: Residential Environment of the Adopted Unitary Development Plan; Policies URB 1 Development Sites and Key Development Sites, URB 2 Urban Design and URB 3 Designing Out Crime of the Revised Deposit Draft Unitary Development Plan (August 2001), Policy 4B.1 of the London Plan (2004) and advice on design contained in Planning Policy Guidance Note 1. Regional Planning Guidance No.9, Circular 5/94: Planning Out Crime and 'By Design: Urban Design in the Planning System' (2000).