

**PART 6: Planning Applications for Decision**

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**1 INTRODUCTION**

- 1.1 In this part of the agenda are reports on planning applications for determination by the committee.
- 1.2 Although the reports are set out in a particular order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a particular application, you need to be at the meeting from the beginning.
- 1.3 Any item that is on the agenda because it has been referred by a Ward Member, GLA Member, MP, Resident Association or Conservation Area Advisory Panel and none of the person(s)/organisation(s) or their representative(s) have registered their attendance at the Town Hall in accordance with the Council's Constitution (paragraph 3.8 of Part 4K – Planning and Planning Sub-Committee Procedure Rules) the item will be reverted to the Director of Planning to deal with under delegated powers and not be considered by the committee.
- 1.4 This Committee can, if it considers it necessary or appropriate to do so, refer an agenda item to the Planning Committee for consideration and determination. If the Committee decide to do this, that item will be considered at the next available Planning Committee, which would normally be the following evening.
- 1.5 The following information and advice applies to all reports in this part of the agenda.

**2 MATERIAL PLANNING CONSIDERATIONS**

- 2.1 The Committee is required to consider planning applications against the development plan and other material planning considerations.
- 2.2 The development plan is:
  - the London Plan July 2011 (with 2013 Alterations)
  - the Croydon Local Plan: Strategic Policies April 2013
  - the Saved Policies of the Croydon Replacement Unitary Development Plan April 2013
  - the South London Waste Plan March 2012
- 2.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
- 2.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which

affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.

- 2.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 2.6 Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
- 2.7 In accordance with Article 31 of the Development Management Procedure Order 2010, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.
- 2.8 Members are reminded that other areas of legislation covers many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
  - **Building Regulations** deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
  - Works within the highway are controlled by **Highways Legislation**.
  - **Environmental Health** covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
  - Works on or close to the boundary are covered by the **Party Wall Act**.
  - **Covenants and private rights** over land are enforced separately from planning and should not be taken into account.

### 3 PROVISION OF INFRASTRUCTURE

- 3.1 In accordance with Policy 8.3 of the London Plan (2011) the Mayor of London has introduced a London wide Community Infrastructure Levy (CIL) to fund Crossrail. Similarly, Croydon CIL is now payable. These would be paid on the commencement of the development. Croydon CIL provides an income stream to the Council to fund the provision of the following types of infrastructure:
  - Education facilities
  - Health care facilities
  - Projects listed in the Connected Croydon Delivery Programme
  - Public open space
  - Public sports and leisure
  - Community facilities
- 3.2 Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through A S106

agreement. Where these are necessary, it will be explained and specified in the agenda reports.

#### **4 FURTHER INFORMATION**

- 4.1 Members are informed that any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

#### **5 PUBLIC SPEAKING**

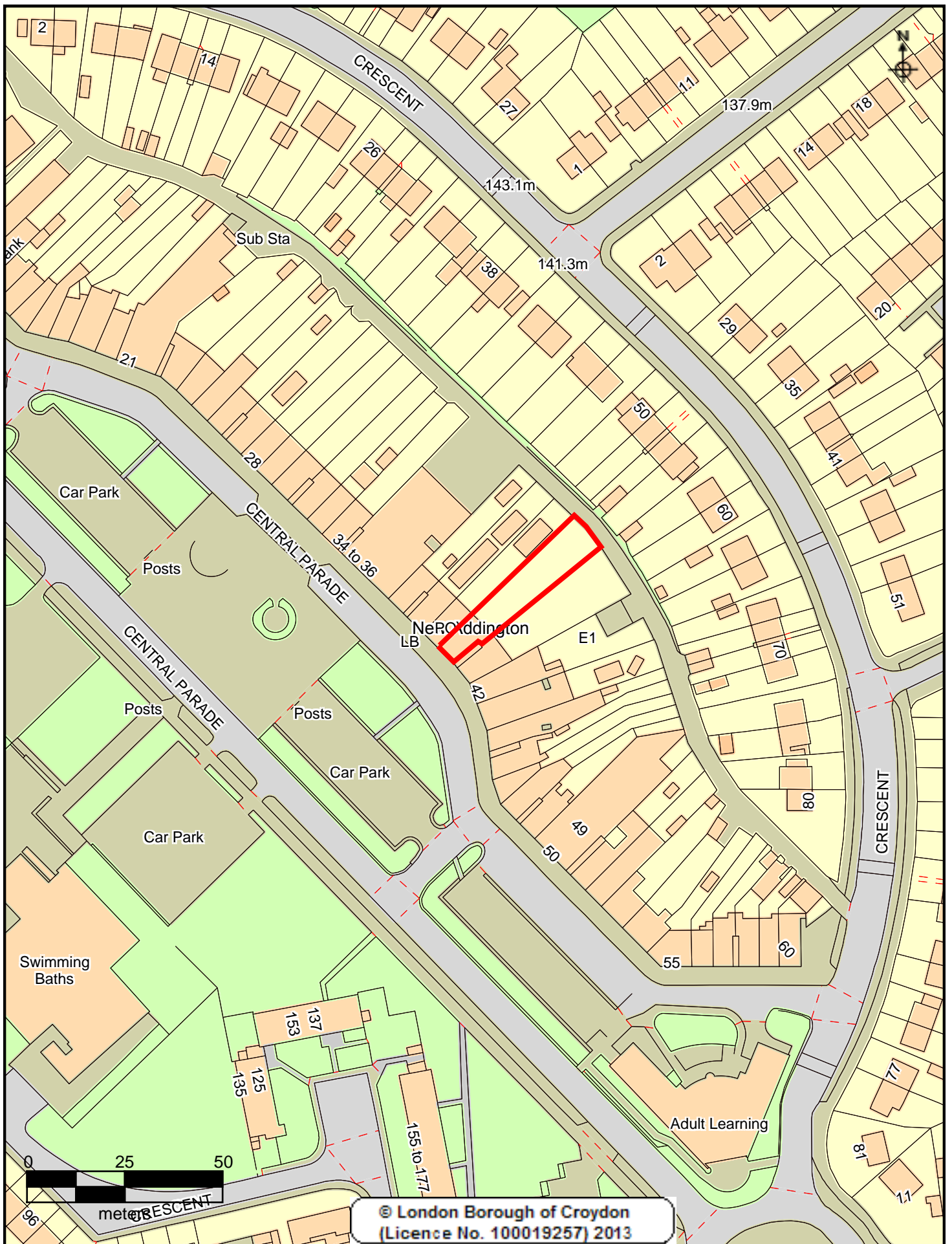
- 5.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Chair's discretion.

#### **6 BACKGROUND DOCUMENTS**

- 6.1 The background papers used in the drafting of the reports in part 6 are generally the planning application file containing the application documents and correspondence associated with the application. Contact Mr P Mills (020 8760 5419) for further information. The submitted planning application documents (but not representations and consultation responses) can be viewed online from the Public Access Planning Register on the Council website at <http://publicaccess.croydon.gov.uk/online-applications>. Click on the link or copy it into an internet browser and go to the page, then enter the planning application number in the search box to access the application.

#### **7 RECOMMENDATION**

- 7.1 The Committee to take any decisions recommended in the attached reports.



**1 SUMMARY OF APPLICATION DETAILS**

Ref: [16/06335/FUL](#) (*Link to associated documents on the Planning Register*)  
 Location: 40 Central Parade, Croydon CR0 0JD  
 Ward: New Addington  
 Description: Use as a hot food takeaway (Class A5). Erection of a single storey rear extension and associated external alterations including the installation of extraction and ventilation equipment.  
 Drawing Nos: B9310-AEW-16101-XX-DR-0005; B9310-AEW-16101-00-DR-0001 Rev A; B9310-AEW-16101-XX-DR-0002 Rev A; B9310-AEW- 16101-XX-DR-0004 Rev B; B9310-AEW-16101-XX-DR-0003 Rev B; and B9310-AEW-16101-XX-DR-0006 Rev B  
 Applicant: Dominos  
 Agent: Osian Roberts, DPP Planning  
 Case Officer: Mr Robert Naylor

Type of floorspace	Amount proposed	Amount retained	Amount lost
Residential			
Office			
Retail	133.3 sqm	69.8 sqm	0 sqm
Industrial			

Number of car parking spaces	Number of cycle parking spaces
7	0

1.1 This application is being reported to Planning Sub-Committee because the Ward Councillor (Cllr Oliver Lewis) made representations in accordance with the Committee Consideration Criteria and requested committee consideration. Also objections above the threshold in the Committee Consideration Criteria have been received.

**2 RECOMMENDATION**

- 2.1 That the Planning Committee resolve to GRANT planning permission
- 2.2 That the Director of Planning and Strategic Transport has delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

**Conditions**

- 1) The development shall be carried out entirely in accordance with the approved drawings and other documents submitted with the application.
- 2) Materials to match existing.
- 3) Details of refuse collections
- 4) Recommendations of noise report to be implemented
- 5) Recommendations of odour control report to be implemented
- 6) Hours of use

- 7) Deliveries
- 8) A5 Use
- 9) No motorbike deliveries
- 10) The development shall be begun within three years of the date of the permission.
- 11) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport

### **Informatives**

- 1) Removal of site notices
- 2) Guidance note from Environmental Service
- 3) Any other informatives considered necessary by the Director of Planning

## **3 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- Change of use from A1 to A5
- Single storey ground floor rear extension (Approximately 63.5sqm)
- Extension to house extraction flue and chimney
- Materials to match existing

### **Site and Surroundings**

- 3.1 The application site lies on the north-eastern side of Central Parade and is currently occupied by a two storey building with A1 (Retail) Use on the ground floor which is currently vacant and residential accommodation above on the 1st floor. The following designations in the Croydon Plan affect the site:
- Retail frontage
  - Primary shopping area
  - District centre.

### **Planning History**

- 3.2 There is no planning history relevant to the application site.

## **4 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 4.1 The proposed change of use would accord with the aims and objectives of Policy SH4 in encouraging the vitality and viability of the New Addington District Centre and primary shopping area.
- 4.2 The proposed single storey rear extension would not have any harmful effect on the character of this part of New Addington or the appearance of the streetscene of Central Parade.
- 4.3 Subject to the provision of suitable conditions the application would not have any detrimental harm on the amenities of the local area or those living nearby.

## **5 CONSULTATION RESPONSE**

5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

## **6 LOCAL REPRESENTATION**

6.1 The application has been publicised by way of one or more site notices displayed in the vicinity of the application site. The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 112      Objecting: 109      Supporting: 1      Comment: 2

No of petitions received: 0

6.2 The following issues were raised in representations. Those that are material to the determination of the application, are addressed in substance in the MATERIAL PLANNING CONSIDERATIONS section of this report:

- Loss of a retail unit
- Noise pollution from delivery vans and activities on flats above
- Smell nuisance and impact of extractor duct on flat above
- Increase teenagers hang around and anti-social behaviour
- Increase in litter and rubbish
- Increase impact on Central Parade highway
- Opening hours too late
- Lack of fresh food stores in locality
- Proliferation of takeaway outlets within the parade and impact on public health and NHS
- Lack of useful retail outlets for selling shoes, children's toys and clothing and for the elderly etc.
- Additional traffic in an already congested area, with not enough parking spaces for shoppers.
- Bad press stating that the parade is the unhealthiest street in Britain.
- Detrimental to the footfall of every business up there, as 'fair competition' is fast running low

6.3 Councillor Oliver Lewis has made the following representations:

- Too many fast food/takeaway shops on Central Parade. Residents want a Parade that is vibrant and varied and has a range of shops and services.
- Noise impacts on neighbouring properties in particular the flats above the shops on central parade. Noise from extraction and ventilation equipment and associated activity impact the quality of life for residents.
- Hours of operation are also of a concern with regards to neighbouring properties.

## **7 RELEVANT PLANNING POLICIES AND GUIDANCE**

7.1 In determining any planning application, the Council is required to have regard to the provisions of its Development Plan so far as is material to the application and to any other material considerations and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The Council's adopted

Development Plan consists of the Consolidated London Plan 2015, the Croydon Local Plan: Strategic Policies 2013 (CLP1), the Croydon Replacement Unitary Development Plan 2006 Saved Policies 2013 (UDP) and the South London Waste Plan 2012.

7.2 Government Guidance is contained in the National Planning Policy Framework (NPPF), issued in March 2012. The NPPF sets out a presumption in favour of sustainable development, requiring that development which accords with an up-to-date local plan should be approved without delay. The NPPF identifies a number of key issues for the delivery of sustainable development, those most relevant to this case are:

- Requiring good design.
- Promoting sustainable transport and requiring transport assessments
- Sustain and enhance the vitality and viability of town centres

7.3 The main policy considerations raised by the application that the Committee are required to consider are:

7.4 Consolidated London Plan 2015 (LP):

- 4.7 - Retail and Town Centre development
- 4.8 - Supporting successful and diverse retail sectors and related facilities and services
- 7.1 - Lifetime neighbourhoods
- 7.4 - Local character
- 7.6 - Architecture
- 7.14 - Improving air quality

7.5 Croydon Local Plan: Strategic Policies 2013 (CLP1):

- SP3.11 - Promote and support retail centres
- SP3.12 - Ensuring the viability and vitality of designated centres
- SP4.1 - High quality development
- SP4.2 - Local character

7.6 Croydon Replacement Unitary Development Plan 2006 Saved Policies 2013 (UDP):

- SH4 - Retail Vitality
- EP1 - Control of Potentially Polluting Uses
- UD2 - Layout and Siting of New Development:
- UD3 - Scale and Design of New Buildings

7.7 There is relevant Supplementary Planning Guidance as follows:

- Guidance Note Planning Applications: Food and Drink Premises (A3/A4/A5) Requirements for extraction/ventilation systems

7.8 The Partial Review of the Croydon Local Plan: Strategic Policies (CLP1.1) and the Croydon Local Plan: Detailed Policies and Proposals (CLP2) have been approved by Full Council on 5th December 2016 and was submitted to the Planning Inspectorate on behalf of the Secretary of State on 3rd February 2017. Policies which have not been objected to can be given some weight in the decision making process. However at this



stage in the process no policies are considered to outweigh the adopted policies listed here to the extent that they would lead to a different recommendation.

## **8 MATERIAL PLANNING CONSIDERATIONS**

8.1 The main planning issues raised by the application that the committee must consider are:

1. The principle of the development in respect of Policy SH4 of the Croydon Plan 2006 Saved Policies (Numbers of units outside A1 (Retail) Use)
2. The effect of the development upon the amenity of the area and those living nearby
3. The design of the development and its effect upon the appearance and character of the surrounding area

### **The principle of development**

8.2 There is a policy presumption to promote the provision of new retail stock, particularly where it ensures the vitality and viability of the Town, District and Local Centres. The application site lies within a main retail frontage as identified by the Croydon Plan and as such 65% of the units within the parade must remain in A1 (Retail) Use.

8.3 The main retail frontage stretches from 7 Central Parade up to 50 Central Parade (44 units) of which currently 30 units are A1 including the current application site, with the remain 14 units are a mixture of A2, A3, A5, D1 and sui generis. Currently 68% of the main retail frontage is A1 (Retail) and as a result of the proposal 66% of units would remain in A1 (Retail) Use. There is no in principle objection to the number of units outside A1 (Retail) use within the parade nor the characteristics of the proposed use and its prominence in the area. As such the scheme would generally accord with criteria i, ii and iii of Policy SH4 and would not undermine the A1 function of the frontage.

8.4 However, criteria iv of Policy SH4 of the Croydon Plan states that changes of use from A1 (Retail) to A5 (hot food take-away) will only be permitted provided that there is no detrimental impact upon the amenity of the area and those living nearby. Suitable conditions can be applied to mitigate impacts of the proposal in respect to impact on the neighbouring amenity in respect to odour, noise and hours of use. This is further discussed in the following section.

8.5 Officers have noted the comments in respect to the health aspect of an additional A5 use in the locality, however the application is to assess the acceptability of the A5 use classes as a whole and not the individual applicant. The A5 use class is for hot food takeaway, a use that is not necessarily unhealthy, and thus would not be a material planning consideration. On balance given that local businesses are operating in difficult economic times and the proposal would seek to replace a current vacant unit, thus promoting the vitality and viability of the centre, this should be taken into consideration and given additional weight. The proposed change of use would therefore accord with the development plan policies.

### **Impact on residential amenity**

8.6 The key elements of residential amenity which are relevant to this case are noise and disturbance; odour; and hours of use

### Noise & Disturbance

- 8.7 The Council aims to avoid noise from giving rise to significant impact on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impact on health and quality of life arising from noise from new development and these can be mitigated through use of conditions.
- 8.8 The proposed change of use will include the provision of extract ducting and air conditioning units to the rear. The details submitted with the application indicate that the extract ducting and air conditioning units are routed to extend out of the roof area of the proposed single storey rear extension to level with the veranda of first floor flats above. It is acknowledged that the air conditioning units and ducting could create significant noise and vibration, due to the location of the ducting in relation to the residential flats above.
- 8.9 The applicant has submitted a plant noise assessment that indicates that plant noise would be kept to acceptable levels. This information has been reviewed by the Council's Environmental Health Officer (EHO) who have indicated that the recommendations of the plant noise assessment by Cole Jarman Ltd dated 23rd November 2016 (Ref: 16/0640/R1) should be followed to mitigate issues of noise. A condition has been recommended to secure this. Therefore, it is not considered that the proposal would have a detrimental impact on the amenities of adjacent occupiers in terms of noise disturbance.
- 8.10 Given that the applicant would be operating a delivery service this would be done purely by car deliveries that would use the car parking facilities at the rear of the site. The applicant has confirmed that there will be no deliveries undertaken by motorcycle or scooter and this can be secured by way of a condition.

- Smell & Odour

- 8.11 Policy 7.14 of the London Plan (July 2011) states that development should be 'air quality neutral' and not lead to further deterioration of existing poor air quality. The Croydon Plan requires that extract ducting should be designed to be approximately 1m above the eaves of the host building so as to afford good air quality. The proposed ducting would be at the first floor level to align with the door and windows of the flats above the shop.
- 8.12 Concerns have been raised about the low level discharge, which should usually be avoided as extraction air systems should be discharged not less than 1 m above the roof eaves, however where this cannot be achieved then exceptionally high level of odour control will be required.
- 8.13 As part of the application the applicant submitted revised plans showing an amended extraction and ventilation system and a specification & Defra Report for the system prepared by Purified Air. The current proposed position of the ducting is the optimal position as any alternatives would re-route the system which would not be as effective, and would pose issues over ownership, noise and vibrations to the detriment of neighbours.
- 8.14 The Council's Environmental Health Officer (EHO) confirmed that the proposals for odour control are satisfactory and the noise and vibration from the proposed system would be inaudible and undetectable at all times in all neighbouring premises as the

equipment will meet the councils noise limits which are 10 dB below existing noise climate. Subject to suitable conditions this is considered acceptable and would be consistent with the relevant policies.

- Hours of use

8.15 The applicant has proposed the following hours of use 11.00 – 23.30 Monday to Friday; 11.00 – 00.00 Saturdays and 11.00 – 23.00 Sundays and Bank Holidays. Ideally the LPA would impose shorter evening hours, even in the Croydon Metropolitan Centre, so that premises close at 2300 hours during the week and 2200 hours on Sundays and Bank Holidays in order to further protect residential amenity.

8.16 However, the proposed hours are akin to many of the other non-A1 uses along Central Parade and this can be secured by way of a condition and as such cannot warrant refusal of planning permission on its own.

- Overlooking & Loss of privacy.

8.17 The application includes the provision of new external PPC steel access stair at the rear of the proposed single storey extension. However, given the existing purpose built upper terrace areas at the rear of the site, it is not considered that the proposal would create any additional overlooking above that already experienced in the locality.

### **Impact on appearance and character**

8.18 The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Proposals should be a high quality of design and optimise the potential of the site to accommodate development whilst responding to the local character.

8.19 The existing building is of no special architectural merit and there are only minor alterations to the shop front with the access moving from an existing central position to occupy the left hand side and new signage (which would be subject to a separate advertisement consent application).

8.20 The main changes are to the rear of the shop and include a single storey rear extension together with the new external PPC steel access stair. The rear extension would be similar to other extension in the locality and would be proportionate to the form and massing of the building and the terrace, respecting established building lines. It would be formed of appropriate materials to the existing building and the locality. It would not be visible from Central Parade and so would not detract from the visual amenity or the host building not harm neighbour amenity.

8.21 From a design perspective the proposed vertical ducting to the rear of the building would also be proportionate to the form and mass of the terrace. It would not be visible from Central Parade and so would not detract from the visual amenity and the host building. There are also other examples of vertical ducting on the terrace, which is routed through the rear of the parade. The proposal is considered acceptable, in terms of appearance, character and visual amenity and accords with the relevant policies.

### **Other Planning Issues**

- 8.22 Bin storage would be as existing (sited at the rear of the premises), although details of this can be secured by condition
- 8.23 There is existing delivery bay at the rear of the premises and this is to be utilised. There are parking bays outside the site and which serve the adjoining parade of shops. Parking in the locality is generally restricted and it is not considered that the use proposed would generate vehicular traffic which would impact negatively on highways and parking. The application also provides 7 car parking spaces at the rear for staff. Given the type of use proposed and accessibility of the site to public transport networks, the proposal is considered not to impede on highway safety and efficiency and was considered acceptable in terms of highway safety and efficiency.

### **Conclusions**

- 8.24 Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.
- 8.25 All other relevant policies and considerations, including equalities, have been take into account.