

PLANNING COMMITTEE
Thursday 20th June 2019

- ADDENDUM TO AGENDA -

Item 6.1- 18/04522/FUL- Builders merchants adjoining 104 Godstone Road, Kenley, CR8 5AE

A further letter of representation has been received from a solicitor on behalf of a local resident who has previously commented on the application. This has been circulated to Members of Planning Committee.

In summary, the following points have been made:

- The Committee Report has been reviewed and there are errors and is based on technical errors and fails to take into account material considerations. For those reasons, if the application is not refused, the matter should be deferred until the errors identified have been addressed.
- A local resident included within their objections an independent report to review the applicant's submitted noise impact assessment and the noise management plan. This report concluded that there were significant omissions in the applicant's noise assessment and that noise impacts have not been properly assessed. This includes:
 - The noise impact assessment only considers the proposed turning areas and excludes the remaining activities on the rest of the application site.
 - The planning application states that forklift trucks will enter the turning 'T', despite this, no quantities of forklift movement are predicted.
 - The applicant fails to address how the unloading of large vehicles will take place and from forklift trucks
 - Conflicting information in the Planning Statement and the Noise Management Plan in terms of opening hours and deliveries and the noise assessment fails to assess the effect of forklift trucks in the new area.
 - The noise assessment downplays the noise impact of future delivery vehicles movements by contending that the noise from existing trains is loud. This is irrelevant and invalid as train movements are regular and consistent and delivery noise is inconsistent and includes a tonal elements.
 - The landscaping will have a legible effect on noise and there are no sound barriers proposed.
 - There is significant amount of discrepancies in respect of the numbers of large delivery vehicle visits. The Planning Statement states ten and the noise assessment and committee report refer to six deliveries per day.
- The letter goes on to state how the matters are addressed in the Planning Committee report. It states that the detail of the local resident's commissioned

report has only been dealt with in general terms. There are also no reference to noise complaints in the Committee report.

- The letter states that the errors identified in the applicant's noise impact assessment are so significant that the committee report should have addressed them. The committee report is based on a fundamental flawed assessment as the noise assessment under estimated the number of vehicle movements.
- The Noise Impact Assessment should have assessed the mitigation of landscaping and it is impossible to conclude that the development will not result in noise pollution.
- The letter concludes that as a result of the misleading nature of the committee report members are at risk of relying on a material error and additionally failing to take into account material considerations. Unless the application is to be reused, it should be deferred to allow a proper and full analysis of the vehicle movements and the points raised by the resident's independent noise report.
- The letter has also requested documentation under a Freedom of Information Act 2000.

Officers have fully reviewed the letter and report and have the following commentary:

- Conflicting information in the Planning Statement and the Noise Impact Assessment and Noise Management Plan were discussed the agent during the course of the application and it was confirmed the deliveries are 6 per day. This is reflected in the Committee Report. In terms of hours, this was also discussed and conditions restricted hours of use have been accepted by the applicant. This includes no deliveries at the weekends. It is also important to note that Allmat have been operating a business on the site since the 1990's without such restrictions.
- All complaints to the Pollution Team have been logged on the Uniform system since the year 1996. The Council's Pollution Team have not received any complaints about noise, dust or fumes during this time.
- The local resident's letter of representation and independent report has been fully assessed including by officers in the Council's Pollution Team as part of the application process and prior to the Committee Report being published. The Council's Environmental Consultant in the Pollution Team concluded that the applicant's submission including the noise report is fit for purpose in its methodology and proposals. Officers raise the following points:
 - The Acoustic Impact Assessment and Acoustic Management Plan by Atkins submitted by the applicant states that it acknowledges and measures the noise from forklift trucks in paragraph 4.2.3.

- The methodology and choice of assessment location was satisfactory.
 - The Acoustic Impact Assessment and Acoustic Management Plan are professional and satisfactory.
 - The mitigation measures are satisfactory in terms of noise without the use of landscaping. These include; restricting hours of use of the turning 'T', booking in deliveries and management of drivers and signage.
 - It is also important to note that train times go well beyond the business hours of the development.
- The committee report and recommendation have fully considered all the material planning considerations.

Item 6.3 - 18/05006/FUL – 32 Welcomes Road, Kenley, CR8 5HD

- One additional representation has been received since this items confirmation on the committee agenda. This representation has raised additional material considerations which the committee report has not previously addressed.

Impact on side facing window and solar panels at 30 Welcomes Road

The property at 30 Welcomes Road does not have any primary windows in the flank elevation. However, there is a side facing window within the rear projecting bay that serves the living room. Although this is a habitable room, this window is a secondary window to that room which has its main window facing towards the rear garden and another window on the opposite side of the bay. It is considered that the proposal would not lead to a significant loss of light or outlook for this window.

The property at 30 Welcomes Road has solar panels on top of the dormer window, these panels face south-east towards Welcomes Road. The proposed development is located due south of no.30 and whilst the proposed development would be larger than the dwelling at no.30, it is considered that it would not significantly affect renewable energy production due to the angle that the panels face.

Item 6.5 - 18/05098/FUL – 168 Foxley Lane, Purley, CR8 3NF

- One additional representation has been received since this items confirmation on the committee agenda. This representation is a photograph showing traffic along Foxley Lane. The photo has been circulated to Members.
- Paragraph 7.46 of the Officers' report is amended to read: "All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted, *subject to conditions*. The details of the decision are set out in the recommendation". The development is a minor development and is not subject to any legal agreement.

Item 6.6 – 19/01109/FUL – 1 South Drive, Coulsdon, CR5 2BJ

- Recommendation is amended to state: 'resolve to grant planning permission, subject to the signing of a legal agreement to restrict car parking permits and to secure the provision of an on-street car club bay. To be signed within 3 months of the date of resolution.'
- Paragraph 8.6 is amended to read: '...the proposal is for a three/part four storey building with the fourth floor accommodated within the roof space'.

Item 6.9 - 19/00543/FUL – Land adjoining 46 Quail Gardens, South Croydon

- 5 additional representations have been received, the issues raised are already covered in the report. A comment has been made regarding the petition which was submitted in objection to the development, and how this is addressed in the officer report. The officer report summarises representations and petitions received during the course of the application in response to the development proposed, so paragraph 6.2 of the report is considered to be accurate.