

Planning Sub-Committee Agenda



To: Councillor Chris Clark (Chair)
Councillor Leila Ben-Hassel (Vice-Chair)
Councillors Joy Prince, Clive Fraser, Humayun Kabir, Jamie Audsley,
Scott Roche, Gareth Streeter, Ian Parker and Lynne Hale

A meeting of the **Planning Sub-Committee** which you are hereby summoned to attend, will be held on **Thursday, 7 April 2022** at the rise of Planning Committee but not earlier than **7.00 pm** in **Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX**

KATHERINE KERSWELL
Chief Executive and Head of Paid Service
London Borough of Croydon
Bernard Weatherill House
8 Mint Walk, Croydon CR0 1EA

Tariq Aniemeka-Bailey
020 8726 6000 x64109
tariq.aniemeka-bailey@croydon.gov.uk
www.croydon.gov.uk/meetings
Wednesday, 30 March 2022

Members of the public are welcome to attend this meeting

If you would like to record the meeting, we ask that you read the guidance on the recording of public meetings [here](#) before attending.

To register a request to speak, please either e-mail Democratic.Services@croydon.gov.uk or phone the number above by 4pm on the Tuesday before the meeting.

The agenda papers for all Council meetings are available on the Council website
www.croydon.gov.uk/meetings

If you require any assistance, please contact Tariq Aniemeka-Bailey 020 8726 6000
x64109 as detailed above

AGENDA – PART A

1. Apologies for absence

To receive any apologies for absence from any members of the Committee

2. Minutes of the previous meeting (Pages 5 - 10)

To approve the minutes of the meeting held on Thursday 18 November 2021 and Thursday 24 February 2022 as an accurate record.

3. Disclosure of Interest

Members and co-opted Members of the Council are reminded that, in accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, they are required to consider in advance of each meeting whether they have a disclosable pecuniary interest (DPI), an other registrable interest (ORI) or a non-registrable interest (NRI) in relation to any matter on the agenda. If advice is needed, Members should contact the Monitoring Officer in good time before the meeting.

If any Member or co-opted Member of the Council identifies a DPI or ORI which they have not already registered on the Council's register of interests or which requires updating, they should complete the disclosure form which can be obtained from Democratic Services at any time, copies of which will be available at the meeting for return to the Monitoring Officer.

Members and co-opted Members are required to disclose any DPIs and ORIs at the meeting.

- Where the matter relates to a DPI they may not participate in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation.
- Where the matter relates to an ORI they may not vote on the matter unless granted a dispensation.
- Where a Member or co-opted Member has an NRI which directly relates to their financial interest or wellbeing, or that of a relative or close associate, they must disclose the interest at the meeting, may not take part in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation. Where a matter affects the NRI of a Member or co-opted Member, section 9 of Appendix B of the Code of Conduct sets out the test which must be applied by the Member to decide whether disclosure is required.

The Chair will invite Members to make their disclosure orally at the commencement of Agenda item 3, to be recorded in the minutes.

4. Urgent Business (if any)

To receive notice of any business not on the agenda which in the opinion of the Chair, by reason of special circumstances, be considered as a matter of urgency.

5. Planning applications for decision (Pages 11 - 14)

To consider the accompanying reports by the Director of Planning & Strategic Transport:

5.1 21/02848/FUL - 2 Ravenshead Close, South Croydon CR2 8RL (Pages 15 - 30)

Erection of a four bedroom detached dwelling with associated parking, landscaping, cycle storage and refuse storage.

Ward: Selsdon Vale and Forestdale
Recommendation: Grant permission

5.2 21/02891/FUL - 77-79 Mitchley Avenue, South Croydon, CR2 9HN (Pages 31 - 44)

Amalgamation and change of use from retail (class E(c)) to mixed use cafe/restaurant (class E(b)) & Takeaways (Sui Generis). Installation of new shopfronts and extraction flue to the rear elevation.

Ward: Sanderstead
Recommendation: Grant permission

6. Exclusion of the Press & Public

The following motion is to be moved and seconded where it is proposed to exclude the press and public from the remainder of a meeting:

"That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended."

Planning Sub-Committee

Meeting of held on Thursday, 18 November 2021 at 9.33 pm in Council Chamber, Town Hall,
Katharine Street, Croydon CR0 1NX

MINUTES

Present: Councillor Chris Clark (Chair);
Councillor Leila Ben-Hassel (Vice-Chair);
Councillors Clive Fraser, Scott Roche and Gareth Streeter

PART A

A12/21 **Minutes of the previous meeting**

RESOLVED that the minutes of the meeting held Thursday 4 November 2021 be signed as a correct record.

A13/21 **Disclosure of Interest**

There were no disclosures of a pecuniary interest not already registered.

A14/21 **Urgent Business (if any)**

There was none.

A15/21 **Planning applications for decision**

A16/21 **21/01913/FUL - 31 Roke Road, Kenley, CR8 5DZ**

Demolition of existing detached 2 storey dwelling and replacement with 3 x 3 storey terraced dwellings with 3 car parking spaces.

Ward: Kenley

The officers presented details of the planning application and responded to questions for clarification.

Mr Rajesh Godhania spoke against the application.

Mr Ian Coomber spoke on behalf of the applicant in support of the application.

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The Committee deliberated on the application presentation heard before them having heard all the speakers who addressed the Committee, and in turn addressed their view on the matter.

The substantive motion to **GRANT** the application based on the officer's recommendation was proposed by Councillor Fraser. This was seconded by the Chair.

The motion to grant was taken to a vote with three Members voting in favour and two Members voting against.

The Committee **RESOLVED** to **GRANT** the application for the development at 31 Roke Road, Kenley, CR8 5DZ.

The meeting ended at 10.00 pm

Signed:

Date:

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Planning Sub-Committee

Meeting of held on Thursday, 24 February 2022 at 6.00 pm in Council Chamber, Town Hall,
Katharine Street, Croydon CR0 1NX

MINUTES

Present: Councillor Chris Clark (Chair);

Councillors Richard Chatterjee, Humayun Kabir, Bernadette Khan and Gareth Streeter

Also

Present: Councillor Sean Fitzsimons, Margaret Bird

PART A

A1/22 **Disclosure of Interest**

There were no disclosures of a pecuniary interest not already registered.

A2/22 **Urgent Business (if any)**

There was none.

A3/22 **Planning applications for decision**

A4/22 **21/03943/FUL - 51 Addiscombe Road, Croydon, CR0 6SB**

Change of Use from a single dwelling house to provide a House of Multiple Occupation (HMO) (Use Class Sui Generis), comprising 13 bedrooms with shared kitchen facilities, together with landscaping, changes to fenestration, designated refuse / recycling and cycle stores

Ward: Addiscombe West

The officers presented details of the planning application and responded to questions for clarification.

Mr David Shaw spoke against the application.

Mr Simeon Grossett & Mr Charles Rose spoke on behalf of the applicant in support of the application.

Cllr Fitzsimons spoke against the application.

The Committee deliberated on the application presentation before them having heard all the speakers who addressed the Committee, and in turn addressed their view on the matter.

The substantive motion to **GRANT** the application based on the officer's recommendation was proposed by Councillor Kabir. This was seconded by Councillor Khan.

The motion to approve was taken to a vote and carried with three Members voting in favour and two Members voting against.

The Committee **RESOLVED** to **GRANT** the application for the development at 51 Addiscombe Road, Croydon, CR0 6SB.

A5/22 **20/04273/FUL - 66 Foxley Lane, Purley, CR8 3EE**

Conversion from single dwelling to 4 self-contained flats, erection of two storey side extension and rear extension, external alterations including balconies, openings and rooflights, associated parking, landscaping, cycle storage and refuse storage.

Ward: Purley

The officers presented details of the planning application and responded to questions for clarification.

There were no registered speakers for this item

The substantive motion to **GRANT** the application based on the officer's recommendation was proposed by Councillor Kabir. This was seconded by Councillor Clark.

The motion to approve was taken to a vote and carried with three Members voting in favour and two Members voting against.

The Committee **RESOLVED** to **GRANT** the application for the development at 66 Foxley Lane, Purley, CR8 3EE.

A6/22 **21/01470/FUL – 53 Homefield Road**

Demolition of an existing bungalow and construction of a three storey detached residential building with accommodation in the roof space comprising 4 flats with associated bin and cycle stores, landscaping, alterations to vehicular access and provision of car parking spaces (amended description).

Ward: Coulsdon

The officers presented details of the planning application and responded to questions for clarification.

Mr Geoff Green and Mr John Street spoke against the application.

Mr Paul Lewis spoke on behalf of the applicant in support of the application.

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Cllr Margaret Bird spoke against the application.

The Committee deliberated on the application presentation before them having heard all the speakers who addressed the Committee, and in turn addressed their view on the matter.

The substantive motion to **GRANT** the application based on the officer's recommendation was proposed by Councillor Clark. This was seconded by Councillor Kabir.

The motion to approve was taken to a vote and carried with three Members voting in favour and two Members voting against.

The Committee **RESOLVED** to **GRANT** the application for the development at 53 Homefield Road

A7/22 Other planning matters

The report was received for information.

A8/22 Weekly Planning Decisions

The report was received for information.

The meeting ended at 7.56 pm

Signed:

Date:

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PLANNING SUB-COMMITTEE AGENDA

PART 5: Planning Applications for Decision

1 INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Planning 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 or Resident Association 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 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 (consolidated with Alterations since 2011)
 - the Croydon Local Plan (February 2018)
 - 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. Whilst third party representations are regarded as material planning considerations (assuming that they raise town planning matters) the primary consideration, irrespective of the number of third party representations received, remains the extent to which planning proposals comply with the Development Plan.
- 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 ROLE OF THE COMMITTEE MEMBERS

- 3.1 The role of Members of the Planning Committee is to make planning decisions on applications presented to the Committee openly, impartially, with sound judgement and for sound planning reasons. In doing so Members should have familiarised themselves with Part 5D of the Council's Constitution 'The Planning Code of Good Practice'. Members should also seek to attend relevant training and briefing sessions organised from time to time for Members.
- 3.2 Members are to exercise their responsibilities with regard to the interests of the London Borough of Croydon as a whole rather than with regard to their particular Ward's interest and issues.

4. THE ROLE OF THE CHAIR

- 4.1 The Chair of the Planning Committee is responsible for the good and orderly running of Planning Committee meetings. The Chair aims to ensure, with the assistance of officers where necessary, that the meeting is run in accordance with the provisions set out in the Council's Constitution and particularly Part 4K of the Constitution 'Planning and Planning Sub-Committee Procedure Rules'. The Chair's most visible responsibility is to ensure that the business of the meeting is conducted effectively and efficiently.
- 4.2 The Chair has discretion in the interests of natural justice to vary the public speaking rules where there is good reason to do so and such reasons will be minuted.

- 4.3 The Chair is also charged with ensuring that the general rules of debate are adhered to (e.g. Members should not speak over each other) and that the debate remains centred on relevant planning considerations.
- 4.4 Notwithstanding the fact that the Chair of the Committee has the above responsibilities, it should be noted that the Chair is a full member of the Committee who is able to take part in debates and vote on items in the same way as any other Member of the Committee. This includes the ability to propose or second motions. It also means that the Chair is entitled to express their views in relation to the applications before the Committee in the same way that other Members of the Committee are so entitled and subject to the same rules set out in the Council's constitution and particularly Planning Code of Good Practice.

5. PROVISION OF INFRASTRUCTURE

- 5.1 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:
- i. Education facilities
 - ii. Health care facilities
 - iii. Projects listed in the Connected Croydon Delivery Programme
 - iv. Public open space
 - v. Public sports and leisure
 - vi. Community facilities
- 5.2 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.

6. FURTHER INFORMATION

- 6.1 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.

7. PUBLIC SPEAKING

- 7.1 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.

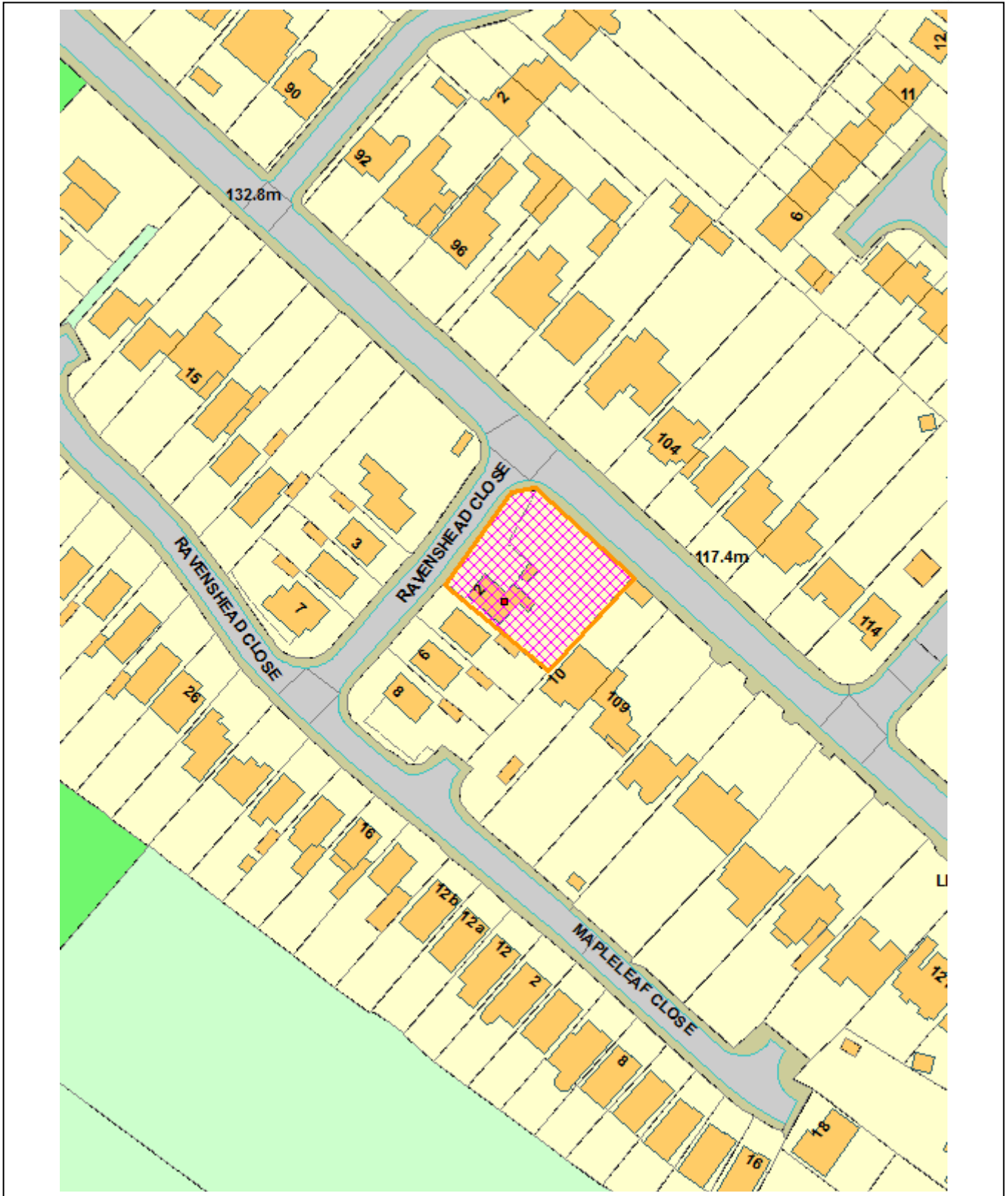
8. BACKGROUND DOCUMENTS

- 8.1 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.

9. RECOMMENDATION

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

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Part 5: Planning Applications for Decision

Item 5.1

1.0 SUMMARY OF APPLICATION DETAILS

Ref: 21/02848/FUL
 Location: 2 Ravenshead Close, South Croydon CR2 8RL
 Ward: Selsdon Vale and Forestdale
 Description: Erection of a four bedroom detached dwelling with associated parking, landscaping, cycle storage and refuse storage
 Drawing Nos: 0067_P00, 0067_P01 Rev A, 0067_P02 Rev A, 0067_P03 Rev A, 0067_P04, 0067_P05, 0067_P06, 0067_P07, 0067_P08, 0067_P09, Design and Access Statement 1, 2, 3.
 Agent: Donna Walker
 Case Officer: Carolyn Southall

	1 bed	2 bed	3 bed	4 bed	
Existing				1	
Proposed				1	

The proposed dwelling is for private sale

Number of car parking spaces	Number of cycle parking spaces
Existing 2	Not specified
Proposed 3 (For use by both dwellings)	4 – 2 per dwelling

1. This application is being reported to committee because public objections above the threshold in the Committee Consideration Criteria have been received.

2.0 RECOMMENDATION

- 2.1 That the Planning Committee resolve to GRANT planning permission
- 2.2 That the Director of Planning and Strategic Transport is delegated authority to issue a Grant of planning permission subject to the following conditions and informatives :-
 1. Development to be implemented within three years.
 2. In accordance with the approved plans.

Pre-Commencement Conditions

3. Submission of Construction Logistics Plan to Council for approval prior to commencement of demolition/construction works.

Pre-Commencement Conditions (except for demolition and below slab level works)

4. Full details of soft and hard landscaping, including new tree planting and biodiversity enhancements, and boundary treatment to be submitted for approval and retained as appropriate thereafter.

Pre-Occupation Conditions

5. Development to meet energy efficiency/carbon reduction targets as appropriate.
6. Sections drawing of doors, windows, junctions, reveals, roof

Compliance Conditions

7. External materials
8. Following to be provided as specified in application prior to first occupation of new dwellings: parking areas.
9. Implementation and adherence to actionable measures of Flood Risk Assessment submitted with application.
10. Implementation and adherence to actionable measures of Planning Fire Safety Strategy
11. Implementation and adherence to actionable measures of Refuse Management Plan
12. Development to meet 105 litre per person/day water use target.
13. No windows/openings to be provided to northwestern flank elevation other than as shown on approved plans.
14. Dwelling to meet M4(2) accessibility standards as appropriate.
15. Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport.

Informatives

- 1) Community Infrastructure Levy
- 2) Code of practice for Construction Sites
- 3) Compliance with Building/Fire Regulations
- 4) Any other informative(s) considered necessary by the Director of Planning and Strategic Transport

- 2.3 That the Committee confirms that adequate provision has been made by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

3.0 PROPOSAL AND LOCATION DETAILS

- 3.1 The proposal includes the following:

- Erection of two-storey dwelling with private garden space
- Provision of 3 off-street parking spaces – 1 for the existing dwelling, 2 for the proposed
- Provision of private garden for the new dwelling, retention of 200m² for the existing
- Provision of associated refuse and cycle stores
- Removal of TPO protected T5
- Provision of 8 no. replacement trees along the Old Farleigh Road frontage



Figure 2: Aerial street view within the surrounding streetscene

Planning History

3.6 The most relevant planning history associated with the site is noted below:

- 07/03280/P: Erection of detached four bedroom house; formation of vehicular access and provision of associated parking – Refused - 10.09.2007 for the following reasons:

Reasons:

1. The development would be out of keeping with the character of the locality and detrimental to the visual amenity of the street scene by reason of its form and prominent siting and would thereby conflict with Policies UD2 and H2 of the Croydon Replacement.
2. The development would not respect the form of the street in which it is a part by building to the established building line of frontages and would thereby conflict with Policy UD2 of the Croydon Replacement Unitary Development Plan (The Croydon Plan).
3. The mature trees on this site are subject to the Old Farleigh Road and Kingswood Way Tree Preservation Order, confirmed on 25 May 1973. The proposal fails to consider the constraints placed on the site by the preserved trees and is likely to conflict with the required tree protection area, as detailed in BS5837, Trees in Relation to Construction 2005. In addition the dominance of the trees over the proposed dwelling is likely to result in continued pressure to lop or fell these trees which would have an adverse effect on the visual amenities and character of the area contrary to Policies UD2, UD14 and NC4 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)

A subsequent appeal was submitted ref. APP/L5240/A/08/2070854 and was dismissed. The Planning Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the area. This was largely a result of the 5 beach trees which were considered to make a significant contribution to the character and appearance of the area which made their protection a high priority in the determination of the appeal.

In relation to trees;

19/04960/TRE: T2 Beech- Fell to ground level due to declining condition of crown. T3 Beech - Remove dead wood from upper canopy and crown lift to 2.5m. T5 Beech- Crown lift to 2.5m. Tree planting proposals- See report- Plant 3 x replacement Carpinus betulus- "Common Hornbeam" with a 10-12cm girth (Select standard) within the current planting season – Granted subject to condition requiring 3 x replacement Common Hornbeam. Felled but no replacement trees.

17/05578/TRE: T1 Beech- Fell – Granted subject to condition requiring 3 x replacement Common Hornbeam. Felled but no replacement trees.

4. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The principle of the development is acceptable given the residential character of the surrounding area.
- The design and appearance of the development is appropriate for its setting.
- The living conditions of adjoining occupiers would be protected from undue harm subject to conditions.
- The living standards of future occupiers are acceptable and Nationally Described Space Standard (NDSS) compliant.
- The level of parking and impact upon highway safety is considered acceptable.

5.0 CONSULTATION RESPONSE

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

6.0 LOCAL REPRESENTATION

6.1 The application has been publicised by 9 letters of notification to neighbouring properties in the vicinity of the application site. The number of representations received from neighbours in response to notification and publicity of the application are as follows:

No of individual responses: 18 Objecting: 18 Supporting: 0 Comment: 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:

Objection	Officer comment
<i>Principle of development</i>	
Overdevelopment of this type of development in the area	This is addressed in section 8.2 to 8.5 of this report.
<i>Design and appearance</i>	
Out of keeping with existing housing	This is addressed in section 8.6 to 8.9 of this report.
Building lines not respected	This is addressed in section 8.6 to 8.9

<i>Impact on amenities of neighbouring properties</i>	
Impact on neighbouring amenity	This is addressed in section 8.15 to 8.18 of this report.
<i>Environment</i>	
Impact on environment, loss trees	This is addressed in section 8.23 of this report.
Air, noise and water pollution	This is a residential development in a residential area. There is no reason to expect that this proposal would have additional adverse impacts not expected in this area. A Construction Logistic Plan would be required by condition.
<i>Highways and parking</i>	
Insufficient parking	This is addressed in section 8.19 to 8.24 of this report.
Impact on road safety	This is addressed in section 8.21 of this report
Already a problem with refuse in the area	Adequate bin storage is proposed in an area that is accessible by refuse collectors.
<i>Other material considerations</i>	
Application breaches restrictive covenants	Restrictive covenants are a civil matter which do not form a material planning consideration.

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 London Plan 2021, the Croydon Local Plan 2018 and the South London Waste Plan 2012.

7.2 Government Guidance is contained in the National Planning Policy Framework (NPPF), issued in February 2021. 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:

- Delivering a sufficient supply of homes
- Promoting healthy and safe communities

- Promoting sustainable transport;
- Achieving well designed places;
- Conserving and enhancing the natural environment

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

London Plan 2021

- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D12 Fire Safety
- S4 Play and informal recreation
- H1 Increasing housing supply
- H10 Housing size mix
- HC1 Heritage conservation and growth
- SI 2 Minimising greenhouse gas emissions
- SI 12 Flood risk management
- SI 13 Sustainable drainage
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6.1 Residential Parking

Croydon Local Plan 2018

- SP2 - Homes
- SP6.3 - Sustainable Design and Construction
- DM1 - Housing choice for sustainable communities
- SP4 – Urban Design and Local Character
- DM10 - Design and character
- DM13 - Refuse and recycling
- DM16 – Promoting healthy communities
- SP4.13 – Character, Conservation and Heritage
- DM23 - Development and construction
- DM25 – Sustainable drainage systems and reducing floor risk
- SP7 – Green Grid
- DM27 – Biodiversity
- DM28 – Trees
- SP8 – Transport and communications
- DM29 - Promoting sustainable travel and reducing congestion
- DM30 - Car and cycle parking in new development

There is relevant Supplementary Planning Guidance as follows:

- London Housing SPG March 2016
- The Suburban Design Guide 2019

8.0 MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the Planning Committee are required are as follows:
1. Principle of development
 2. Townscape and visual impact
 3. Housing quality for future occupiers
 4. Amenity of neighbouring properties
 5. Access and parking
 6. Landscaping
 7. Flood Risk and sustainability
 8. Archaeology
 9. Other matters

Principle of Development

- 8.2 This application must be considered against a backdrop of significant housing need, not only across Croydon, but also across London and the south-east. All London Boroughs are required by the London Plan 2021 to deliver a number of residential units within a specified plan period. Croydon's overall housing target per annum is 2,079 new homes (2019 – 2029). The Croydon Local Plan 2018 states there is a requirement to deliver a minimum of 32,890 new homes between 2016 and 2036 (Croydon's actual need identified by the Croydon Strategic Housing Market Assessment would be an additional 44,149 new homes by 2036, but as there is limited developable land available for residential development in the built up area, it is only possible to plan for 32,890 homes). This requirement is set out in policy SP2.2 of the Croydon Local Plan (CLP) (2018), which separates this target into three relatively equal sub targets with 10,760 new homes to be delivered within the Croydon Opportunity Area, 6,970 new homes as identified by specific site allocations for areas located beyond the Croydon Opportunity Area boundary and 10,060 homes delivered across the Borough on windfall sites. In order to provide a choice of housing for people in socially-balanced and inclusive communities in Croydon, the Council will apply a presumption in favour of sustainable development of new homes.
- 8.3 The London Plan 2021 Policy D2 on Small Sites advises that for London to deliver more of the housing it needs, small sites (below 0.25 hectares in size) must make a substantially greater contribution to new supply across the city. Therefore, increasing the rate of housing delivery from small sites is a strategic priority. The London Plan Policy D3 requires new development to optimise site capacity through a design-led approach. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site.
- 8.4 The application is for an additional family home within the borough, which the Council is seeking to provide. The site is located within an existing residential area and as such providing that the proposal accords with all other relevant material planning considerations, the principle of development is supported.
- 8.5 Local Plan Policy DM1.2 requires there to be no loss of 3 bedroom homes as originally built or homes under 130m² and Policy SP2.7 sets a strategic target for 30% of all new homes to have three or more bedrooms. The existing 4 bedroom dwelling is to be retained and the proposed dwelling provides 4 bedrooms

contributing to the strategic target (Policy SP2.7) for 30% of all new homes up to 2036 to have three or more bedrooms.

Townscape and Visual Impact

- 8.6 The National Planning Policy Framework (NPPF) attaches great weight to the importance of design in the built environment. London Plan Policy D3 seeks to optimise site capacity through the design-led approach and Policies D4 and D5 require high quality architecture which contributes to the local architectural character. Policy SP4 and DM10 of the Croydon Local Plan (2018) reinforce these policies by confirming that the Council will require development to be of a high quality and be informed by the distinctive qualities, identity, topography and opportunities of the relevant places of Croydon.
- 8.7 Ravenshead Close is an infill development derived from the amalgamation of four substantial houses resulting in the modern estate. Architecture is of its time, offering limited architectural detailing within a uniform layout of detached houses set within regular sized plots. Number 2 Ravenshead Close maintains the separation between dwellings maintaining through views, but, being a corner plot, benefits from a substantially larger side garden more than doubling the overall area when compared to its neighbours, lending itself to some form of intensification.
- 8.8 The site benefits from being in relatively close proximity to the locally listed flint wall running between no's 84 and 122 Old Farleigh Road. In order to respect its presence, the proposed dwelling is set approximately 10m back from the edge of the Old Farleigh Road pavement, and separated by a new hedge. Therefore the locally listed wall would retain its significance within the streetscene.
- 8.9 Having considered the previous appeal, the applicant has provided a robust Design and Access Statement carefully showing the progression of design through its evolving stages the proposal takes on a contemporary reinterpretation of the traditional dwelling to which it will abut. For example the scale of the dwelling maintains the same eaves and ridge heights as the existing while the massing drops significantly towards the Old Farleigh Road boundary, subservient to its neighbours. The pitch of the roof has been carefully considered, matching its western profile with that of no.2, window size/proportion are derived from Ravenshead Close original proportions and it is to be finished in brick. In order to ensure design quality it is essential that suitable conditions requiring scaled drawings of window, door, roof juncture etc. are secured prior to commencement of development and maintained throughout construction, and to be compliant with policy D4 of the London Plan.
- 8.10 New developments are generally required to sit on/maintain an established building line - the proposed development does neither. However, due to its unique form with descending scale and contemporary design, its location within the plot, it is considered, would represent a subservient addition within the streetscene. The site would be bordered by mature planting, and whilst the intention is not to mask high quality architecture, when regarded as a whole, the proposal would result in a suitable and subservient addition within the streetscene when viewed from both Ravenshead

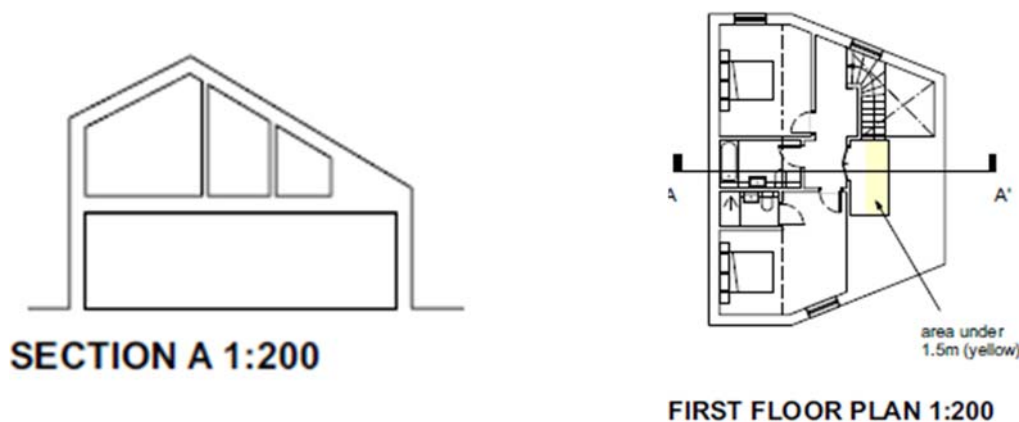


Figure 3: Proposed Front Elevation

- 8.11 The parking area incorporates 3 off-street parking spaces for the two dwellings, each with separate bin and cycle storage. The building sits at the same level as the existing dwelling with parking area enclosed by low-level hedging. It is noted that a covenant requires front gardens to remain open plan, but there is evidence of established hedging to front boundaries, therefore its presence would not be out of character with the area. A landscaping condition would be attached to any permission granted.
- 8.12 The proposed scheme, being a modern reinterpretation of the host building, and the estate in which it is situated, and does not have any adverse impact on the appearance of the streetscene.

Housing Quality for Future Occupiers

- 8.13 The proposed dwelling has 4 bedrooms accommodating up to 7 people and would need to achieve a gross internal floor area of 115m² to comply with policy D6 of the London Plan. There is a limited area of useable space at first floor that would be under 1.5m high which is allocated as storage, therefore the gross internal floor area of 132m² exceeds the national space standards in terms of its overall size as well as individual room sizes and benefits from having a dual aspect.



- 8.14 DM10.4 of the Croydon Local Plan requires all proposals to provide a minimum amount of private amenity space of 5m² per 1-2 person unit and an extra 1m² per

extra occupant thereafter. The requirement is exceeded offering a 254m² good sized wrap-around garden for the family-sized dwelling and is considered acceptable.

- 8.15 In terms of accessibility, Policy D7 and H2 of the London Plan set out that to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children. The house is intended to comply with M4(2) compliant accessibility requirements, which is supported.
- 8.16 Overall, the development is considered to result in development with acceptable quality for future occupiers.

Amenity of neighbouring properties

- 8.17 The properties most likely to be affected by the development is no. 2 Ravenshead Close, the host building to the west, and no. 10 Ravenshead Close to the south.

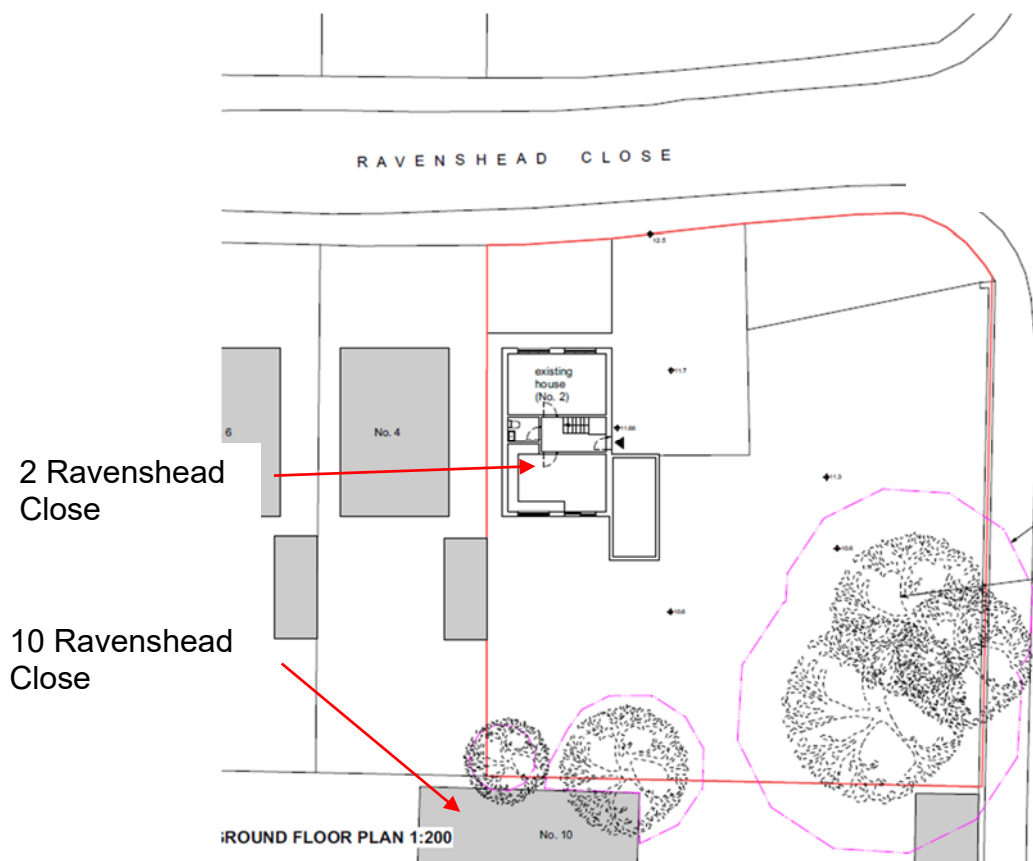


Figure 6: Existing Site Location Plan showing neighbouring properties

2 Ravenshead Close

- 8.18 The existing house at no. 2 has a larger than average side garden due to it being a corner plot. Typical of the building design, dwellings on the estate have side-facing front doors, with the front door facing the application site. The house is dual aspect with a glazed door and window at ground floor, at first floor there appears to be a window to a single aspect bedroom (information taken from planning reference

17/01713/HSE) at first floor. The flank elevation of the proposed building has been set approx. 3.1m from the north east facing façade of the host building, and while there may be some reduction in light and outlook from the bedroom, it is a secondary bedroom with the remaining three bedrooms retaining current levels of light and outlook.

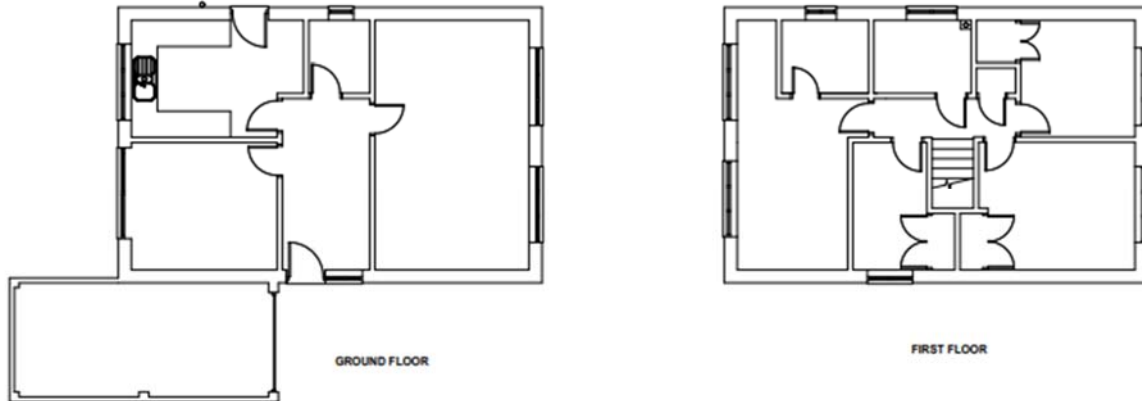


Figure 7. layout of no. 2 Ravenshead Close

- 8.19 The proposed dwelling's siting has been carefully considered. It does project beyond the established rear building line, however the proposed development would not encroach over a 45 degree angle from the rear windows of no.2 (as outlined in the Suburban Design Guide). As such it is considered that the development would not cause any harmful loss of outlook or light to this adjacent property.

10 Ravenshead Close

- 8.20 No 10 is obliquely located to the south of the site separated by 12m. Owing to this separation/orientation/juxtaposition between the built forms, landscaping, levels and form of development, it is considered that the proposal would not have any adverse impact upon the amenities of this properties.
- 8.21 There is no doubt the new dwelling will be visible from other properties in the area, especially from opposite at 1 Ravenshead Close and those on Old Farleigh Road. However, due to the separation distance of approximately 23m in respect of 1 Ravenshead Close, and 33m with a change in levels in Old Farleigh Road, the proposed development would not adversely impact on the amenities of adjoining occupiers, in accordance with policy.

Access and Parking

- 8.22 The application site is not located within a controlled parking zone and has a PTAL rating of 1b indicating poor access to public transport. London Plan (2021) standards suggest that up to a maximum of 1.5 spaces per unit should be provided. Three spaces are proposed to serve 2 units. Given this achieves maximum requirement, it is considered acceptable.
- 8.22 Despite the poor PTAL, there are bus stops within 33m of the site on Old Farleigh Road, Selsdon District Centre is located 0.7km from the site and cycle storage is

provided at the site to encourage other means of travel. Therefore this is an area that should be considered appropriate for infill residential development.

- 8.241 Concerns have been raised by residents with regard to resultant highway safety on the Ravenshead Close. The submission demonstrates that the required visibility splays for vehicles and pedestrians sightlines are achieved at the site access. Maneuvering tracking is also provided which demonstrates that vehicles can access and egress the site in forward gear.
- 8.25 London Plan (2021) Policy T5 requires a minimum of 2 cycle parking spaces per 4 bedroom dwelling (4 spaces in total). The plans show cycle storage for existing and proposed dwellings area to the rear of the building to accommodate 4 cycles set behind garden gates accessed by pathways in excess of 1.2m wide. Drawing no. 0067_P09 shows suitable storage provision.
- 8.26 The refuse/recycling store is located within 25m of the highway. There is no specific provision for bulky waste storage, but given the amount number of units and the layout of the parking area, this is not considered to be of a significant concern in this instance.

Landscaping

- 8.27 There is a Tree Preservation Order on the site, protecting the remaining, mature beech tree. The tree has limited longevity, and its felling is appropriate subject to a robust condition to ensure replacement trees, 6 hornbeam and 2 yew trees are proposed. Hedging is provided to the front boundaries and around the parking areas, retaining the open nature of the site.

Flood Risk and sustainability

- 8.28 The site is within Flood Zone 1, in an area at low risk of surface water flooding with the exception being the highway area and some parts of the property frontage and limited potential for groundwater flooding.
- 8.29 Policy seeks high standards of design and construction in terms of sustainability and sets out Local and National CO2 reduction targets. Conditions can be used to ensure CO2 reduction compliance and to ensure water use targets have been met following construction.

Other matters

- 8.30 London Plan Policy D12 requires all development proposals to achieve the highest standards of fire safety. A Planning Fire Safety Strategy has been provided which satisfactorily addressed the requirements of Policy D12.
- 8.31 Representations have raised concerns that local services will be unable to cope with additional residents moving into the area and the impact on local infrastructure. The development will be liable for a charge under the Community Infrastructure Levy (CIL). This payment will contribute to delivering infrastructure to support the development of the area, such as local schools.

8.32 The site is located in an Archeological Priority Area. Having considered the proposal, Historic England advise that as the development is largely focused above an area of previously disturbed ground, the archaeological potential of the ground is considered to be limited and no further assessment or conditions are necessary.

Conclusion

8.32 The principle of development is considered acceptable within this area. The design of the scheme is of an acceptable standard and would not harm the visual amenities of the area or adjoining occupiers. The proposed impact on the highway network and parking provision is acceptable, having taken into consideration the existing situation within the surrounding area and its location. The proposal is therefore overall considered to be accordance with the relevant polices.

8.33 All other relevant policies and considerations, including equalities, have been taken into account.



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1 SUMMARY OF APPLICATION DETAILS

Ref: 21/02891/FUL
Location: 77-79 Mitchley Avenue, South Croydon, CR2 9HN
Ward: Sanderstead
Description: Amalgamation and change of use from retail (class E(c)) to mixed use cafe/restaurant (class E(b)) & Takeaways (Sui Generis). Installation of new shopfronts and extraction flue to the rear elevation
Drawing Nos: Site location plan (received 14.12.21), block plan (received 14.12.21), 0163/77/79MITC-01 (received 14.12.21), 0163/77/79MITC-02 (received 14.12.21), 0163/77/79MITC-03 (received 14.12.21), mechanical delivery file dated 28.02.2021 (received 14.12.21)
Applicant: Mr Mehmet Tezgel
Case Officer: Hayley Crabb

- 1.1 This application is being reported to Planning Sub Committee because objections above the threshold as specified by the Committee Consideration Criteria have been received.

RECOMMENDATION

- 2.1 That the 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) 3 Years
- 2) Development to be carried out in accordance with the approved drawings except where specified by conditions
- 3) Materials
- 4) Mechanical details as specified in the application
- 5) Opening hours
- 6) Fire Safety Statement

Informatives

- 1) Healthier Catering Commitment

3 PROPOSAL AND LOCATION DETAILS

Proposal

3.1 The proposal comprises the following:

- Amalgamation and change of use from retail (class E(c)) to mixed use cafe/restaurant (class E(b)) & Takeaways (Sui Generis).
- Installation of new shopfronts and extraction flue to the rear elevation

3.2 A revised application form with certificate B and information was submitted during the application process.

3.3 The agent sent an email dated 11.01.22 confirming the proposed hours of use as per the hours on the revised application form:

Monday to Sunday (including bank holidays) – 12:00 until 22.30



Site and Surroundings

3.4 The application site located on the north side of Mitchley Avenue and comprises a 3 storey building with commercial units located at ground floor level with residential accommodation above.

3.5 The surrounding area is mixed in use with residential properties and a local shopping parade providing a number of local amenities to local residents.

3.6 The site is designated as a shopping parade within the Croydon Local Plan.

3.7 The site is at high risk of surface water flooding.

Planning History

77-79 Mitchley Avenue, South Croydon

- 3.8 21/02892/ADV - Internally illuminated signage –Advertisement Consent granted on 04.02.22.

77 Mitchley Avenue, South Croydon

- 3.9 21/01043/FUL - Installation of a ventilation duct to the rear of the property and a proposed change of use as restaurant (Class E) and takeaway (Sui Generis) – Planning Permission granted on 09.06.2021.

4.0 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The use is considered acceptable
- The design and appearance of the development is appropriate for the site;
- There would be no undue harm to the residential amenities of adjoining occupiers;
- The development would not have a significant impact upon the highway network and considered acceptable;
- The scheme would not have an undue impact on trees.

5 CONSULTATION RESPONSE

- 5.1 The views of the Planning & Building Control Directorate are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6 LOCAL REPRESENTATION

- 6.1 A total of 18 neighbouring properties were notified about the application and invited to comment. Site notices have also been erected. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 42 Objecting: 18 Supporting: 23 Comment: 1

- 6.2 It should be noted that neighbouring properties and interested parties were re-consulted during the application process on the amended information/change of description.

- 6.3 The following local groups/societies made representations:

- The Riddlesdown Residents' Association (no objection)

- 6.4 The following Councillor made representations:

- Councillor Helen Redfern (no objection)

6.5 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:

Objections

Summary of objections	Response
Loss of retail shop/overdevelopment	Addressed in Section 8.2-8.8 of this report.
Not in keeping with the area/obtrusive by design/misleading	Addressed in Section 8.9-8.10 of this report. (Officer comment – The proposed advertisement the subject of application 21/02892/ADV has been re-located to fascia level to unit 79)
Residential amenity/overlooking/privacy	Addressed in Section 8.11-8.19 of this report
Noise/smells/air pollution/hygiene/hours of use	Addressed in Section 8.13-8.19 of this report
Vermin/rubbish/litter	Addressed in Section 8.22 of this report
Alternative location	Officer comment: Each application is judged on its own individual merits
Traffic/parking/highway safety	Addressed in Section 8.20-8.21 of this report
Impact on trees	Addressed in Section 8.25 of this report

Flooding	Addressed in Section 8.26 of this report
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Support

Would rejuvenate the parade/be great for the area, fantastic for the local community/jobs/improve the area and property value	Addressed in Section 8.8 of this report
Use buildings and create business opportunities	Addressed in Section 8.8 of this report
With influx of new developments another restaurant is needed in the area	Addressed in Section 8.8 of this report

6.6 The following issues were raised in representations that are not material to the determination of the application:

- Residents' Association/members (Officer comment: This is a matter between the residents' association and its members).
- Renovations (Officer comment: This is not a planning consideration).
- Quaker area (Officer comment: Covenants/lease clauses are a matter between third parties)

6.7 The following issues were raised in representations that are procedural matters:

- Notice (Officer comment: A revised application with a certificate B has been submitted with notice served on certain parties)
- Site Notices (Officer comment: Adjoining/neighbouring properties were consulted. There is not a requirement to erect site notices as well as neighbour notification letters, however site notices were erected on Mitchley Avenue and Copthorne Rise given the development being erected to the rear of the parade of shops on Copthorne Rise. A representation states the site notice fronting Mitchley Avenue was removed. It is considered adjoining occupiers have been adequately consulted).

6.8 The Riddlesdown Residents' Association raised an objection (and referral in the event planning permission recommended for approval) in relation to the proposed development and raised the following points as their main concerns:

- Use class/nearby school
- Hours of use/alcohol licence
- Signage details (Officer comment: The signage is the subject of a separate application, application number 21/02892/ADV and addressed where relevant in the report in respect of the advertisement application)
- Bi-fold doors
- Refuse
- Highways and parking

6.9 Following the re-consultation process the residents' association has responded "As many of the proposals by the applicant, that the RRA previously objected to have been addressed within this revised application, the RRA wish for our previous two objections on applications 21/02891/FUL and 21/02892/ADV to be withdrawn".

6.10 Councillor Helen Redfern submitted a representation recorded as neutral. The

- Proposed kitchen extractor fan inadequate;
- The kitchen for the whole new restaurant situated below the balcony garden of No.77a/cooking fumes/noise; and
- Other extractor units on the parade (Marmaris Café (No.75) has an extractor unit which extends 2-3 metres into the rear garden. King Fish Bar (No.71b) has an extractor unit taking fumes up the rear wall and onto the roof).

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 London Plan (2021), the Croydon Local Plan (2018) and the South London Waste Plan (2012).

8.0 MATERIAL PLANNING CONSIDERATIONS

8.1 The principal issues relate to:

- a. Principle of development
- b. The character and appearance of the street scene and the original building
- c. The residential amenities of the adjoining occupiers.
- d. Highways/Refuse
- e. Fire Safety

- f. Impact on trees
- g. Other

Principle of development

- 8.2 On 1st September 2020, the Town and Country Planning (Use Classes) Order 1987 (as amended) was revised. The amendments included the introduction of additional use classes and the re-classification of some uses. The existing ground floor has a class E(a) (previously A1) use as a shop. The site is located within a shopping parade as defined by the Croydon Local Plan (2018). It is proposed to amalgamate the ground floor units of no. 77 and no. 79 and change the use to class E(b) for use as a restaurant (formerly A3) with an ancillary takeaway use (formerly A5) which falls within a Sui Generis use.
- 8.3 Policy DM6 of the Croydon Local Plan specifies that, within a shopping parade, the change of use to A5 (takeaways) is 'acceptable in principle as long as it does not result in more than 50% of the ground floor units falling outside the A1 Use Class' (retail). It also states that all other changes to a non-Class A (now class E) ground floor space within parades will be refused. The policy also states that expansions of non-Class A uses will be refused unless it relates to a Community Use.
- 8.4 Prior to the adoption of the new use classes order, the proposed change of use would have resulted in a change from A1(shops) to A3 (restaurant and cafes) with an ancillary A5 (hot food takeaway) use. As a result of the new use classes order, A1 and A3 uses now fall within Class E which, in isolation, would not result in a material change to the existing land use and would therefore be acceptable. The units were previously used as an estate agent/property services office (not retail use), therefore the proposal would not result in any loss of retail use, and the change of use to restaurant use would also not require planning permission, meaning that the main consideration regarding change of use is the ancillary takeaway use.
- 8.5 Under the new use classes order, the ancillary takeaway use would have previously been an A5 (hot food takeaway) however, under the new use classes order would result in a sui generis use which would subsequently constitute towards a material change of use. It should be noted that planning permission has been granted to change the use of no. 77 (only) - change of use as restaurant (Class E) and takeaway (Sui Generis) under application 21/01043/FUL. Consideration was given to the changes to the use classes order and it was considered that the use was appropriate within the proposed location and that the proposed development could be supported in this regard. Takeaways are therefore already permitted from part of the site, and the main impact would be an increase in the amount of indoor seating available for the restaurant use.
- 8.6 The London Plan was adopted in 2021 and therefore Policy E9-Retail, markets and hot food takeaways will apply to the proposed takeaway use. Part D states

that development proposals containing A5 hot food takeaway uses, now Sui Generis under the new use classes order, should not be permitted where these are within 400 metres walking distance from the entrances and exits of an existing or proposed primary or secondary school. Boroughs that wish to set a locally-determined boundary from schools must ensure this is sufficiently justified. Boroughs should also carefully manage the over-concentration of A5 hot food takeaway uses within town centres and other areas through the use of locally-defined thresholds in Development Plans.

- 8.7 According to the government's website, the distance to the nearest primary school (Harris Primary Academy, Kenley) is 0.57 miles and 917m away; therefore over 400m away from the site and compliant with Policy E9. Furthermore, whilst this proposal would amalgamate two shop units, the use would remain the same as approved under application 21/01043/FUL therefore considered acceptable. With regard to Section E of Policy E9 with regards to encouraging operators to comply with the Healthier Catering Commitment standards. It is recommended for an informative to be placed on the decision notice in line with application 21/1043/FUL.
- 8.8 Representations have been received objecting to the proposal. That the proposal would result in the loss of retail and an overdevelopment. Representations have also been received in support of the proposal. That the proposal would rejuvenate the parade/be great for the area, fantastic for the local community/jobs/improve the area and property value/use buildings and create business opportunities and with the influx of new developments another restaurant is needed in the area. It is considered as a result of the changes in the use classes and approved permission, that in this instance the use is appropriate within the proposed location and that the proposed development can be supported in this regard.

The character and appearance of the street scene and the original building

- 8.9 Policy D3 of the London Plan (2021) states proposals should deliver buildings that enhance local context, respond to local distinctiveness and be compliant with building types, forms and proportions and be high quality, pay attention to detail and use attractive and robust materials. Policy DM10 of the Croydon Local Plan (2018) - All new developments should contribute to enhancing a sense of place and improving the character of the area. Policy DM11 of the Croydon Local Plan (2018) seeks to ensure shopfronts are attractive, secure and of high quality design, the Council will support proposals for new shopfronts and related alterations that respect the scale, character, materials and features of the buildings of which they form part. The Councils Supplementary Planning Guidance 1 on Shopfront and Signs and Policy D3 of the London Plan (2021) is also of relevance.
- 8.10 It is proposed to alter the frontage of no. 77 and no. 79. Each unit would have a new shopfront and an extract flue proposed at the rear (as per application 21/01043/FUL) (see existing and proposed plans below). Whilst the frontage of no.

79 would have a bi-fold style window, it is considered the proposed changes to the front elevation would not have an undue impact on the appearance of the building or parade in which it sits or on the visual amenity of the street scene and character of the area. The extract flue proposed on the rear elevation is considered to be subordinate to the main building as per application 21/01043/FUL and would therefore be acceptable in terms of its impact and therefore is in accordance with the Policy D3 of the London Plan (2021), Policies DM10 and DM11 of the Croydon Local Plan (2018).



The residential amenities of the adjoining occupiers

8.11 Policy DM10.6 of the Croydon Local Plan (2018) states the Council will not support development proposals, which would have an adverse effect on the amenities of the occupiers of adjoining buildings. Policy D3 of the London Plan (2021) is also

of relevance which states development proposals should provide secure safe and inclusive environments, secure outlook, privacy and amenity.

- 8.12 The proposed works in terms of their appearance, design and scale would not be detrimental to the amenities of the neighbouring occupiers in terms of loss of light, loss of privacy/overlooking and are therefore deemed acceptable.
- 8.13 Concern has been raised regarding the proposed kitchen extractor fan being inadequate, situated in close proximity to no. 77a, cooking fumes/noise etc.
- 8.14 The application has been supported with a Mechanical Delivery File which details the proposed method of extraction from the kitchen area in relation to noise and odour pollution. It should be noted that these details are the same as that previously approved under application number 21/01043/FUL (for no. 77). Given the previous approval and Officers have considered that the proposed mitigation measures provided are satisfactory in terms of their noise vibration and odour control, it is not considered that there would be sufficient harm to substantiate a sustainable reason for refusal. It is recommended to condition this as part of the planning permission in line with application 21/01043/FUL.
- 8.15 The applicant has applied for the following opening hours:
Monday to Sunday (including bank holidays) – 12:00 until 22.30
- 8.16 Application number 21/1043/FUL (previously approved) proposed the following opening hours:
Monday to Friday – 07:00am until 10:30pm.
Saturday – 07:00am until 10:30pm.
Sunday – 07:00am until 10:30pm.
- 8.17 A condition was attached to application 21/01043/FUL restricting opening hours to the hours specified in 8.16 above.
- 8.18 Whilst the proposed opening hours vary to that previously approved and neighbouring properties in terms of their opening hours, they are shorter overall, and the proposed closing time of 10:30pm is the same as previously considered acceptable. Whilst the current proposal would provide outside space (also shown on the approved plans the subject of application 21/01043/FUL), it is not considered to be unreasonable and would not result in material harm to the amenity of the surrounding occupiers and is therefore acceptable. The opening hours have been conditioned as part of the planning permission.
- 8.19 Whilst the amalgamation of the two shops would intensify the use, it is considered it would not result in material harm to the amenity of the surrounding occupiers as to withhold planning permission. In summary, the application is in accordance with

Policy D3 of the London Plan (2021) and Policies DM10 and DM23 of the Croydon Local Plan (2018).

Highways/Refuse

- 8.20 Policies DM29 and DM30 of the Croydon Local Plan (2018) are of relevance. Policy T4 of the London Plan (2021) is also of relevance.
- 8.21 Whilst the proposal would intensify the use, it is considered given planning permission has previously been granted for the same use under application number 21/01043/FUL and its siting, that it would not have a significant effect on the highway network to withhold planning permission in this instance and therefore acceptable when assessed against Policies DM29 and DM30 of the Croydon Local Plan (2018). As noted above, change of use to a restaurant would not require planning permission, and the primary change for consideration is the proposed ancillary takeaway use. There is parking associated with the shopping parade on Mitchley Avenue, with 1 hour maximum parking on weekdays between 08.00 and 18.30, and the proposed use is not considered to result in harm due to parking impacts. The takeaway element of the use may result in some additional traffic, but it would be a small unit with accordingly limited impacts, there is already a takeaway use within the parade (Kings Fish Bar at no.71) (so this is an established impact within the locality), and there are no identified planning policy conflicts which would warrant refusal.
- 8.22 The revised block plan shows refuse facilities at rear. The waste would be stored and collected from the rear garage via the service road at rear. It should be noted that application 21/01043/FUL did not include refuse facilities. However on site it was noted that the adjoining shops have their waste bins at rear. It is considered that suitable facilities would be provided and would therefore be acceptable when assessed against Policy DM13 of the Croydon Local Plan (2018). With regards to vermin, this would be an Environmental Health matter as would if an insufficient level of hygiene is not provided.

Fire Safety

- 8.23 Policy D5 of the London Plan (2021) seeks for inclusive design and Policy D12 of the London Plan (2021) states in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety.
- 8.24 A Fire Safety Strategy has been submitted. The strategy outlines internal measures and that a fire appliance would be able to access the building. Given the location of the site, it is considered the details are adequate. It is recommended for this to be secured via condition, however it should be noted that fire safety together with other matters dealt with under building regulations legislation will be dealt with by Building Control.

Impact on trees

- 8.25 There is a tree to the rear of the site. It is considered the proposed use would not have an undue impact to influence the decision and therefore acceptable when assessed against Policy DM28 of the Croydon Local Plan (2018).

Other

- 8.26 The application site has been identified as being at high risk of surface water flooding. Due to there not being any additional floor space created via extensions as a result of the proposed development, and the proposed use not resulting in increased exposure to flood risks (or risk to life) it is considered that the proposed development would result in a minimal impact to surface water flooding and the proposals are therefore acceptable when assessed against Policy DM25 of the Croydon Local Plan (2018).
- 8.27 It is therefore recommended for planning permission to be granted.

9 OTHER MATTERS

- 9.1 All other planning considerations including equalities have been taken into account.