

PART 5: Planning Applications for Decision

Item 5.1

1.0 SUMMARY OF APPLICATION DETAILS

Ref:	20/00441/FUL
Location:	82 Westow Hill, Upper Norwood, London, SE19 1SB
Ward:	Crystal Palace and Upper Norwood
Description:	Change of use from betting shop (sui generis) to an adult gaming centre (sui generis)
Drawing Nos:	LON/1987/01 Revision A and L-REE-016-LP Revision 1
Applicant:	Reels Casino Slots Ltd
Agent:	Mrs Laura Bartle
Case Officer:	James Udall

- 1.1 This application is being reported to committee because the Ward Councillors (Cllr Stephen Mann) has made representations in accordance with the Committee Consideration Criteria and requested committee consideration and because representation above the threshold for Committee consideration 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 has delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:
1. In accordance with the approved plans.
 2. Development to be commenced within three years.
 3. Samples and details (as appropriate) of materials.
 4. Details of the window display area
 5. Windows and doors to be implemented as timber framed as specified and approved, and retained as such thereafter.
 6. Details of waste management plan to be submitted for approval.
 7. Refuse store to be provided prior to use.
 8. Control of opening hours of adult gaming centre (Monday to Sunday 08:00 – 23:00)
 9. Details of noise limiting devices for sound amplification / music to be submitted for approval.
 10. Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport.

Informatives.

1. CIL informative.
2. Code of Practice regarding small construction sites.
3. Any other informative(s) considered necessary by the Director of Planning and Strategic Transport.

3.0 PROPOSAL AND LOCATION DETAILS

3.1 The proposal includes the following:

- Change of use from betting shop (sui generis) to an adult gaming centre (sui generis).

3.2 It is noted that the applicant's agent submitted Planning Statement states that the opening hours of the proposed adult gaming centre would be Sunday - Thursday 08:00 - 24:00 and Friday and Saturday 08:00 - 02:00. The applicant's agent has since confirmed that the opening hours would be Monday to Sunday 08:00 - 23:00. This can be secured by way of a condition.

Site and Surroundings

3.3 The application site is located on the southern side of Westow Hill. The building comprises of a four storey building which forms part of a terrace of 12 buildings with a gable roof. The application building is set back from the road by the existing pavement.



3.4 The property is a Locally Listed Building. It lies within the Norwood Triangle Conservation Area and the Crystal Palace District Centre. The site is designated a Secondary Retail Frontage and Primary Shopping Area in the Croydon Local Plan (2018).

3.5 A commercial unit occupies the ground floor of the four storey building and there are residential units above. The proposal relates to a change of use at ground floor only. Until the summer of 2019, the commercial unit had been in use as a betting shop. Whilst the unit is now vacant, the established use is that of the sui generis betting shop.



Figure 2: Aerial street view highlighting the proposed site within the surrounding streetscene

Planning History

3.6 In terms of recent planning history the following applications are relevant:

- 85/00839/P - Conversion of upper floors to form two flats - Planning Permission Granted
- 88/00492/P - Installation of satellite dish aerial - Planning Permission Granted

4.0 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The current use of the application site is as a betting shop (Sui Generis), the proposed use of the application site would be as an adult gaming centre (Sui Generis).
- Given the character of the surrounding area and the planning history of the site, the design and appearance of the development is appropriate.
- There would be no unacceptable impact on the living conditions of adjoining occupiers.
- The sustainability aspects of the application are considered to be 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 41 letters of notification to neighbouring properties 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 are as follows:

No of individual responses: 27 Objecting: 27 Supporting: 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:

Summary of objections	Response
Obtrusive by design/Out of Character	While the application site is in a Conservation Area it is not proposed to make material alterations to the outside of the application building only the use of the building would change which would have no impact on the Conservation Area Any new signage required as part of the proposal if illuminated would need to be subject to a separate Advertisement Consent Application
Noise and disturbance	Officers have negotiated a reduction in opening hours. It is now proposed to limit the hours of use between 08.00h and 23.00h. This would help ensure that the proposed use of the AGC would not unduly impact on the amenities of neighbouring occupants.
Detrimental to the community	The proposed use would be similar in characteristic to the existing use of the application site with the result that the application scheme would not cause undue harm to the local community.
Would lead to crime, an increase in gambling and anti-social practices	There is no evidence that the proposed use would lead to an increase in crime or anti-social practices. The current use of the application site is of a betting shop, which was also a gambling establishment
The use would fail to support the local community	The use of the application building would provide jobs.
The application scheme does not include signage	Any signage would require an Advertisement application to be submitted. This application would be judged on its own merits.

6.4 The following Councillors made representations:

Cllr Stephen Mann (Crystal Palace and Upper Norwood Ward Councillor)

- Inappropriate development,
- Public safety concerns,
- Opening hours,
Out of keeping with local area.

6.5 The Norwood Society made the following representations:

- Object to the use as an adult gaming centre
- Concerned that the opening hours until 02:00am to be excessive
- Late opening hours will attract anti-social behaviour and impact the residential flats above the premises.

7.0 RELEVANT PLANNING POLICIES AND GUIDANCE

- 7.1 The National Planning Policy Framework (NPPF) dated March 2012 outlines the Government's requirements for the planning system and establishes how these will be addressed. There is a presumption in favour of sustainable development. At the time of writing the Government has also published a draft revised The National Planning Policy Framework (NPPF) dated March 2018 and its consultation ends May 2018. The Council primarily assesses planning applications against policies in the Croydon Local Plan 2018 (CLP). The London Plan 2016 Further Alterations to the London Plan (as consolidated with alterations since 2011) sets out regional policy for Greater London.
- 7.2 London Plan Policy promotes development which will support London's visitor economy and stimulate its growth, taking into account the needs of business as well as leisure visitors and seeking to improve the range and quality of provision especially in outer London.
- 7.3 CLP Policy advises that in line with the 'Town Centres First' principle, commercial activity should be directed to town centres to take advantage of their better transport functions and so as not to undermine the established centres. However, there are circumstances when proposals for town centre uses in edge of centre and out of centre locations may be acceptable. Where a sequential test satisfactorily demonstrates such uses cannot be accommodated, on sites or in units that are both suitable and available, within a town centre or edge of centre location or existing vacant units in any location, proposals will be acceptable in principle, provided the site is accessible and well connected to the town centre.
- 7.4 Government Guidance is contained in the National Planning Policy Framework (NPPF), issued in July 2018. 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:
- Promoting sustainable transport;
 - Delivering a wide choice of high quality homes;
 - Requiring good design.
- 7.5 The main policy considerations raised by the application that the Committee are required to consider are:
- 7.6 Consolidated London Plan 2015
- 4.5 London's Visitor Infrastructure
 - 5.2 Minimising Carbon Dioxide Emissions
 - 6.3 Assessing effects of development on transport capacity
 - 6.9 Cycling
 - 6.13 Parking
 - 7.1 Lifetime Neighbourhoods
 - 7.4 Local character
 - 7.5 Public Realm
 - 7.6 Architecture

- 7.8 Heritage Assets and Archeology
- 7.15 Reducing and managing noise

7.7 Croydon Local Plan 2018

- Policy SP1 The Places of Croydon.
- Policy SP3 Employment.
- Policy SP4 Urban Design and Urban Character
- Policy DM4 Development Croydon Town Centre, and District and Local Centres.
- SP4 Urban Design and Local Character.
- DM10 Design and Character.
- DM11 Shopfront Design.
- DM13 Refuse and Recycling.
- DM16 Promoting healthy communities
- DM18 Heritage Assets and Conservation.
- SP6 Environment and Climate Change
- SP8 Transport and Communication.
- DM29 Promoting Sustainable Travel / Reducing Congestion.
- DM30 Car and Cycle parking in new development.
- DM39 Crystal Palace and Upper Norwood.

Emerging New London Plan

- 7.8 Whilst the emerging New London Plan is a material consideration, the weight afforded to it is down to the decision maker, linked to the stage a plan has reached in its development. The Mayor's Intend to Publish version of the New London Plan was submitted to the Secretary of State who has now issued a direction and one awaits to hear how the London Mayor responds. The New London Plan remains at an advanced stage of preparation but full weight will not be realised until it has been formally adopted. Despite this, significant weight can be applied to those policies to which the Secretary of State has not directed modifications to be made.
- 7.9 For clarity, the Croydon Local Plan 2018, current London Plan (incorporating alterations 2016) and South London Waste Plan 2012 remain the primary consideration when determining planning applications.

8.0 MATERIAL PLANNING CONSIDERATIONS

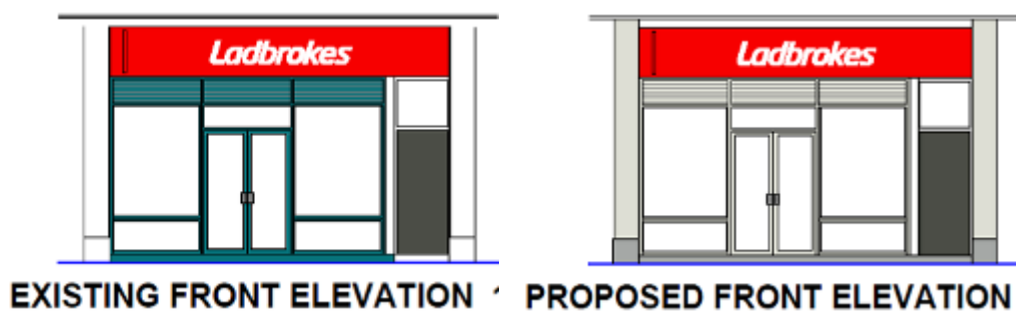
- 8.1 The main planning issues raised by the application that the Planning Committee are required are as follows:
1. Principle of development
 2. Townscape and visual impact
 3. Residential amenity for neighbours
 4. Impact of the development on parking and the local highway network.
 5. Other planning matters

Principle of Development

- 8.2 Policy DM4.2 of the Croydon Local Plan 2018 states that "Within Croydon Metropolitan Centre and the borough's District and Local Centres development

Townscape and Visual Impact

- 8.5 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 imposes a duty on Local Planning Authorities to pay special attention to the desirability of preserving the character and appearance of a Conservation Area.
- 8.6 Paragraph 126 of the National Planning Policy Framework recognises the value of 'sustaining and enhancing heritage assets' and paragraph 64 states that 'permission should be refused for developments of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.
- 8.7 Croydon Local Plan (2018) SP4 concerns Urban Design & Local Character. SP4.1 is of particular relevance to this proposal which states that the Council will require development of a high quality, which respects and enhances Croydon's varied local character and contributes positively to public realm, landscape and townscape to create sustainable communities. Policy SP4.12 of the Croydon Local Plan (2018) states the Council and its partners will respect, and optimise opportunities to enhance Croydon's heritage assets, their setting and the historic landscape, including through high quality new development and public realm that respects the local character and is well integrated.
- 8.8 The application scheme would include the cleaning and repair of the shop front making good and redecorating the existing pilasters which would have a positive impact on the setting, character and appearance of the application building and the conservation area.
- 8.9 No other external works are proposed with the majority of the works being internal. The internal works would include the repairing existing ceiling, making good and redecorating wall panels and skirtings', removing the redundant headers and replacing with new style non illuminated headers. The scheme would also include the laying down of new Karndean plank vinyl flooring (to the main body adjacent counter and window displays).
- 8.10 The external alterations would be minor in detail and the internal alterations would not have any impact on Character and setting to the Conservation Area, the streetscape and the character of the area, with the result that the application scheme would comply with Policy DM18 of the Croydon Local Plan 2018. Any new signage would need to be subject to a separate application for advertisement consent



Residential amenity for neighbouring occupants

- 8.11 It is proposed that the proposed unit would be open to the general public from 0800 hours to 23:00 hours.
- 8.12 A number of the residential objections received against the application express concern about noise and disturbance resulting from the proposed unit. Since these concerns have been raised the applicant's agent has agreed to limit the opening hours to that stated at the above.
- 8.13 It is noted that several businesses in the area have opening or closing times similar to the application scheme's hours. Examples include:

Address	Occupier	Permitted Opening hours (according to the original planning permission)
72 Westow Hill, London SE19 1SB	The French House	Monday to Sunday - 08.00am to 11.00pm
70 Westow Hill, Crystal Palace, London SE19 1SB	Pizza at the Place	Sunday to Wednesday - 11.00am to 11.00pm Thursday and Saturday - 11.00am to Midnight
66 Westow Hill, London SE19 1RX	Porte Nuovo	Monday to Saturday – 09:00am to 11:30pm Sunday - 09:00am to 10:30pm
64 Westow Hill, London SE19 1RX	500 degrees	10.00am to 11.30pm

- 8.14 The proposed opening hours would be acceptable for a District Centre location and the hours are similar to other business in the area and are therefore acceptable.
- 8.15 With regard to noise emanating from the activity within the adult gaming centre, the proposed use is similar in nature to the betting shop and it is therefore considered unlikely to increase impacts on nearby residents. Furthermore the amenities of the neighbouring occupants could be further protected by the imposition of a condition to ensure that the proposed unit would be open to the general public from 0800 hours to 23:00 hours.
- 8.16 It is considered that as the unit would occupy the ground floor of the building that no adverse effect upon the amenities of the neighbouring occupants would result from the development in terms of loss of privacy, loss of light, or loss of outlook.



Impact of the development on parking and the local highway network.

- 8.17 Policy aims to actively manage the pattern of urban growth and the use of land to make the fullest use of public transport and co-locate facilities in order to reduce the need to travel. It also encourages car free development in areas with good access to public transport. Development must not have a detrimental effect on highway safety.
- 8.18 The site has a PTAL rating of 6a (good) and no off-street parking is proposed. In view of the site's location and the proposed use, the development would not generate significant levels of traffic or generate significant parking demand.

Other Planning Matters

- 8.19 The plans do not show the location of bin storage. However, it is expected that the bin storage be kept in the courtyard to the rear of the application site. A management plan for collection of refuse can be secured by condition.

9.0 Conclusions

- 9.1 The proposed development would bring a vacant unit back into use in an accessible District Centre location. The alterations would be sensitive to the conservation area and would improve the existing appearance of the building. There would be no adverse effect on the amenity of nearby residential occupiers.
- 9.2 All other relevant policies and considerations, including equalities, have been taken into account.