

1.0 SUMMARY OF APPLICATION DETAILS

Ref:	21/00848/FUL
Location:	19 High Street, South Norwood, London, SE25 6EZ
Ward:	South Norwood
Description:	Change of use from shop to restaurant and bar (A4)
Drawing Nos:	L(00)01, L(00)02, 02, 03 and 04 received 21.02.2021, 05 and 06 received 02/07/2021, 05, and 06 received 15/07/2021 and 07 Rev A received 31.05.2022 and Pictures and illustration notes for Building Control on kitchen filtering system for grease and odour dated August 2022.
Applicant:	Mr. Babatunde Davids
Agent:	Project Magnate Consulting
Case Officer:	James Udall

- 1.1 This application is being reported to committee because the number of objections has reached the number needed for the application to be viewed by Planning Committee.

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 informative to secure the following matters:
1. Development to be commenced within three years.
 2. In accordance with the approved plans.
 3. Materials to match existing building
 4. Submission of details of noise levels from air handling units
 5. Submission of details of all Ducting to be fixed on anti-vibration mounts
 6. Details of the control of odour and grease particles to be submitted.
 7. Details of Opening Hours
 8. Details of Refuse store to be provided.

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 Planning permission is sought for the change of use from a shop to a restaurant and bar. The primary use would be that of a restaurant (this used to be know as the A3 Use Class, but in the most recent Use Classes Order is now described as a Class

E(b) Use) with the bar (previously known as an A4 Use but now falls into the Sui Generis category in the Use Classes Order), as a secondary use.

Site and Surroundings

- 3.2 The application site lies on the north western side of High Street and consists of a two-storey building with a hipped roof, with a basement. The building has previously been used as a shop and has a flat above. The building has a two-storey rear extension.
- 3.3 The adjoining building to the west No.17 is a shop with a flat above and the adjacent building to the east No.21 is shop with a flat above. The application site is located within the South Norwood Conservation Area.
- 3.4 The site has a Public Transport Accessibility Level (PTAL) of 5 (good).
- 3.5 The application site is located within the South Norwood District Centre, a Primary Shopping Area and a Secondary Retail Frontage and the South Norwood Conservation Area.



Figure 1: Aerial street view highlighting the application site within the surrounding streetscene

Planning History

3.5 N/A

4.0 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The application site currently has a retail class use.
- 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 A total of 68 neighbouring properties were notified about the application and invited to comment. A site notice was displayed and a notice was placed in the local newspaper. The number of representations received from neighbouring occupants in response to notification were as follows:

No of individual responses: 15 Objecting: 15 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	Officer Response
Not in keeping with area	The proposed works would not harm the appearance of the area and the reasoning for this is outlined in paragraphs 8.4 – 8.7 of the report
Overdevelopment	The proposed development is a change of use and does not involve building works to extend the existing property.
Out of Character with the area	This matter is addressed in paragraphs 8.4 – 8.7 of the report
Disturbance to neighbouring occupants	This matter is addressed in paragraphs 8.8 – 8.12 of the report.
Parking/Highways	This matter is addressed in paragraphs 8.13 and 8.14 of the report.

7.0 RELEVANT PLANNING POLICIES AND GUIDANCE

7.1 The National Planning Policy Framework (NPPF) dated March 2021 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. The Council primarily assesses planning applications against policies in the Croydon Local Plan 2018 (CLP). The London Plan 2021 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 Government Guidance is contained in the National Planning Policy Framework (NPPF), issued in July 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:

- Promoting sustainable transport;
- Delivering a wide choice of high quality homes;
- Requiring good design.

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

7.5 London Plan 2021

The main policies that are relevant in the London Plan (2021) are:

- GG2 – Making the best use of land
- D2 - Infrastructure requirements for sustainable densities
- D3 - Optimising site capacity through the design-led approach
- D4 - Delivering good design
- D5 - Inclusive design
- D12 - Fire safety
- D14 - Noise
- SI 8 - Waste capacity and net waste self-sufficiency
- SI 12 - Flood risk management
- SI 13 - Sustainable drainage
- T1 - Strategic approach to transport
- T3 - Transport capacity, connectivity and safeguarding
- T4 - Assessing and mitigating transport impacts
- T5 - Cycling
- T6 - Car parking
- T7 - Deliveries, servicing and construction
- T9 - Funding transport infrastructure through planning

7.6 Croydon Local Plan 2018

- Policy SP1 The Places of Croydon.
- Policy DM4 Development Croydon Town Centre, and District and Local Centres.
- SP4 Urban Design and Local Character.
- DM10 Design and Character.
- DM13 Refuse and Recycling.
- DM18 Heritage Assets and Conservation.
- SP8 Transport and Communication.
- DM29 Promoting Sustainable Travel / Reducing Congestion.
- DM30 Car and Cycle parking in new development.

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. Impact on the character and appearance of the area
3. Residential amenity for neighbouring occupants
4. Impact of the development on parking and the local highway network.
5. Refuse storage
6. Fire Safety
7. Other planning matters

Principle of Development

8.2 Policy DM4.2 of the CLP states that “Within Croydon Metropolitan Centre and the borough’s District and Local Centres development proposals and changes of use on the ground floor must accord with Table 5.3.” The use classes set out in the policy are as they were when the local plan was adopted. However, on 1st September 2020, the use classes order was updated to include a new ‘Commercial, Business and Service’ use class – now called Class E. A restaurant (previously use class A3) now falls within use class E (b) – sale of food and drink for consumption (mostly) on the premises. Public houses, wine bars, or drinking establishments, as well as drinking establishments with expanded food provision, which were previously within use class A4 are now classed as ‘sui generis’. The bar element of the proposal would fall within ‘sui generis’ (previously class A4).

8.3 Table 5.3 of the Croydon Local Plan 2018 sets out acceptable changes of use. As the site is in a secondary retail frontage and the change of use (as per the designations in the local plan) is from A1 to A3/A4, (now E(a) to E(b)/sui generis), the proposed change is acceptable. The application scheme would comply with Policy DM.4.2 of the CLP.

Impact on the character and appearance of the area

8.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

8.5 Policies SP1.2, SP4.1, SP4.2, DM10.1, DM10.6 and DM18.1 of the Croydon Local Plan 2018, London Plan (2021) Policies D3 and D4 and Conservation Area Advisory Supplementary Planning Guidance and Appraisal management Plan are also relevant to the application.

8.6 Policies SP1.2 requires new development to contribute to enhancing a sense of place and improving the character of the area. DM18.1 seeks to preserve and enhance the character, appearance and setting of heritage assets within the borough. Development affecting heritage assets will only be permitted if their significance is preserved or enhanced. Proposals for development will only be permitted if they enhance the setting of the heritage asset affected or have no adverse impact on the existing setting.

8.7 The application scheme would not include the erection of any extensions to the existing building. The proposed would include the erection of a ventilation pipe which would run up the rear building line of the application building. This is not an unusual feature in this part of the conservation area and would not be readily viable from the public domain with the result that the ventilation pipe would not harm the visual appearance and character of the application building, the area or the conservation area. No alterations are proposed to the front elevation of the building as part of the current application. It is noted that signage has been erected at the front of the building which would need advertisement consent. However, this does not form part of the current application and requires a separate application to be submitted under the requirements of the Advertisement Regulations 2007.

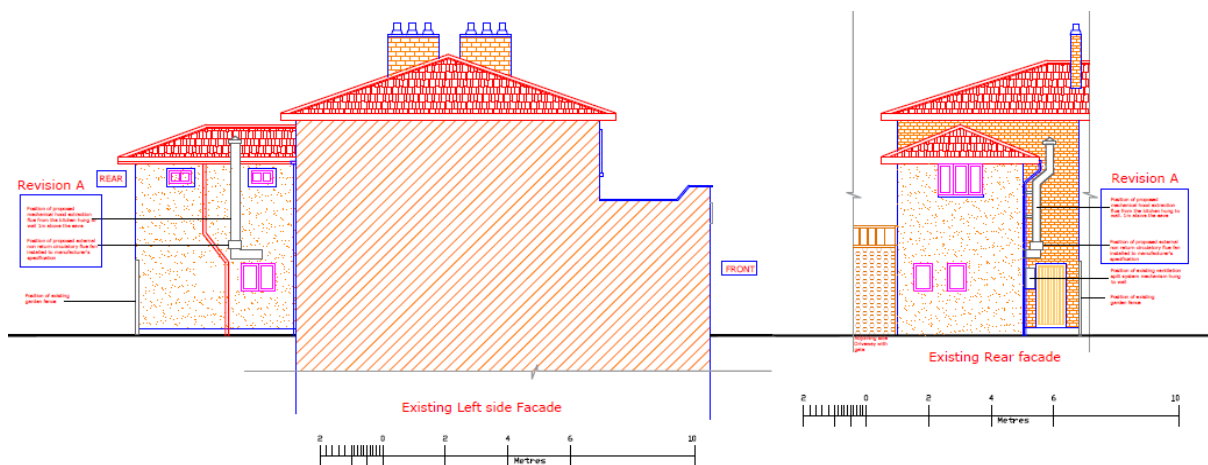


Figure 2: Side and rear elevation

Residential amenity for neighbouring occupants

- 8.8 Policy D10 of the Croydon Local Plan requires the Council to have regard to the privacy and amenity of adjoining occupiers. Policies SP4.1 and SP4.2 of the Croydon Local Plan: Strategic Policies (2013) seek to respect and enhance character, to create sustainable communities and enhance social cohesion and well-being.
- 8.9 The application has not specified what opening times the proposed restaurant/bar would have. However, the opening/closing time of the proposed restaurant/bar use could be controlled by the imposition of a suitably worded planning condition
- 8.10 The opening and closing times of the nearest restaurants range between 11pm and 2:30am, with earlier closing on Sundays and it is reasonable to impose a similar restriction on opening times. Nearby examples of restaurants, bars and takeaways include the following:

Truda Restaurant and bar	83 – 84 High Street
Monday - Closed	Monday - 12.00 noon to 11.00pm
Tuesday - Closed	Tuesday - 12.00 noon to 11.00pm
Wednesday - Closed	Wednesday - 12.00 noon to 11.00pm
Thursday - 6.30pm to 2.30am	Thursday - 12.00 noon to 11.00pm
Friday - 5.30pm to 2.30am	Friday - 12.00 noon to 2.30am
Saturday - 5.30pm to 2.30am	Saturday - 12.00 noon to 2.30am
Sunday - 5.30pm to 12.30am	Sunday - 12.00 noon to 11.00pm

70 High Street
Monday - 4.00pm to 11.00pm
Tuesday - 4.00pm to 11.00pm
Wednesday - 1.00pm to 11.00pm
Thursday - 1.00pm to 11.00pm
Friday - 1.00pm to 12.00am
Saturday - 1.00pm to 12.00am
Sunday - 1.00pm to 11.00pm

26 High Street
Monday - 12.00 noon to 12.00am
Tuesday - 12.00 noon to 12.00am
Wednesday - 12.00 noon to 12.00am
Thursday - 12.00 noon to 12.00am
Friday - 11.00am to 12.00am
Saturday - 11.00 to 12.00am
Sunday - 11.00 to 12.00am

- 8.11 Due to the above it is suggested that a midnight closing with an earlier closing time of 11pm on Sundays is reasonable and can be controlled by planning condition .
- 8.12 The proposal would include the erection of a ventilation pipe. Due to its design, location and scale it would not cause harm to the amenities of the neighbouring occupants as long as the ventilation details are suitably controlled by the imposition of suitably worded planning conditions.

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

- 8.13 The relevant policies are Policies SP8.15, SP8.17, DM30 of the Croydon Local Plan (2018).
- 8.14 The site is within an area with PTAL rating of 5, indicating good access to public transport links. While no parking would be provided, the application site is in a sustainable location and it is considered that the proposed use would not be a significant generator of parking demand in comparison to the existing use and is acceptable.

Refuse storage

- 8.15 Policy DM13.1 of Croydon Local Plan 2018 states that “To ensure that the location and design of refuse and recycling facilities are treated as an integral element of the overall design, the Council will require developments to:
- a. Sensitively integrate refuse and recycling facilities within the building envelope, or, in conversions, where that is not possible, integrate within the landscape covered facilities that are located behind the building line where they will not be visually intrusive or compromise the provision of shared amenity space;
 - b. Ensure facilities are visually screened;
 - c. Provide adequate space for the temporary storage of waste (including bulky waste) materials generated by the development; and
 - d. Provide layouts that ensure facilities are safe, conveniently located and easily accessible by occupants, operatives and their vehicles”.
- 8.16 Policy DM13.2 of Croydon Local Plan 2018 states that “To ensure existing and future waste can be sustainably and efficiently managed the Council will require a waste management plan for major developments and for developments that are likely to generate large amounts of waste”.
- 8.17 It is noted that the proposed plans do not appear to show where refuse provision would be provided. Although it is likely that it would be sited at the rear of the

application building where there is ample room for bin storage. Due to the scale of the proposal the siting and appearance of the proposed refuse storage could be adequately controlled by the imposition of a suitably worded planning condition on any grant of planning permission.

Fire Safety

- 8.18 Policy D12 of London Plan 2021 states that “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 and ensure that they:
- 1) Identify suitably positioned unobstructed outside space:
 - a) For fire appliances to be positioned on
 - b) Appropriate for use as an evacuation assembly point
 - 2) Are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures
 - 3) Are constructed in an appropriate way to minimize the risk of fire spread
 - 4) Provide suitable and convenient means of escape, and associated evacuation strategy for all building users
 - 5) Develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in
 - 6) Provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.
- 8.19 A Fire Safety Statement has been provided which accords with Policy D12 of London Plan 2021. Furthermore, it is noted that the proposal would only be for small scale change of use and there is sufficient protection under Building regulations it is not considered that it would be justified to refuse the application on this basis.

9.0 Conclusions

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