

PART 5: Planning Applications for Decision

Item 5.2

1.0 SUMMARY OF APPLICATION DETAILS

Ref:	20/02725/FUL
Location:	6 Westow Hill, Upper Norwood, London, SE19 1SB
Ward:	Crystal Palace and Upper Norwood
Description:	Change of Use of the ground floor and basement from a betting shop (sui generis) to an Adult Gaming Centre (sui generis) with external alterations and associated works.
Drawing Nos:	1496 (0)06 A1
Applicant:	Luxury Leisure
Agent:	Lichfields
Case Officer:	James Udall

- 1.1 This application is being reported to committee because a Ward Councillor (Cllr Stephen Mann) has made representations in accordance with the Committee Consideration Criteria and requested committee consideration and because representations 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. Development to be commenced within three years.
 2. In accordance with the approved plans
 3. Samples and details (as appropriate) of materials.
 4. Details of the window display
 5. Windows and doors to be implemented as timber framed as specified on the plans 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 commencement of use.
 8. Control of opening hours of adult gaming centre (Monday to Sunday (including bank holidays) 08:00 - 23:00
 9. The scheme will follow the recommendations of the noise assessment by Hepworth Acoustics dated February 2020 ref: Report Number P20-064-R01v1.
 10. Details of noise limiting devices for sound amplification / music to be submitted for approval.
 11. 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).
- Alteration to front facade

3.2 The proposed opening hours of the adult gaming centre were originally Monday - Saturday 07:00 - 24:00 and Sundays and Bank Holidays 07:00 - 23:00. However, the applicant has agreed to amend the opening times to between 08:00 - 23:00 Monday to Sunday (including bank holidays).

Site and Surroundings

3.3 The application site is located on the southern side of Westow Hill. The building comprises of a three storey building which forms part of a terrace of buildings. The property has a dual pitched roof with gable ends. The existing building is immediately adjacent to the back of the pavement edge.



Figure 1: the frontage of the site.

3.4 The building lies within the Norwood Triangle Conservation Area and the Crystal Palace District Centre. The site is designated a Main Retail Frontage and Primary Shopping Area in the Croydon Local Plan (2018).

3.5 A commercial unit occupies the ground floor of the three storey building and there are residential units above. The proposal relates to a change of use at ground floor only. Until the 1 October 2019, the commercial unit had been in use as a betting shop. Whilst the unit is now vacant, the established use of the ground floor is that of the sui generis betting shop.

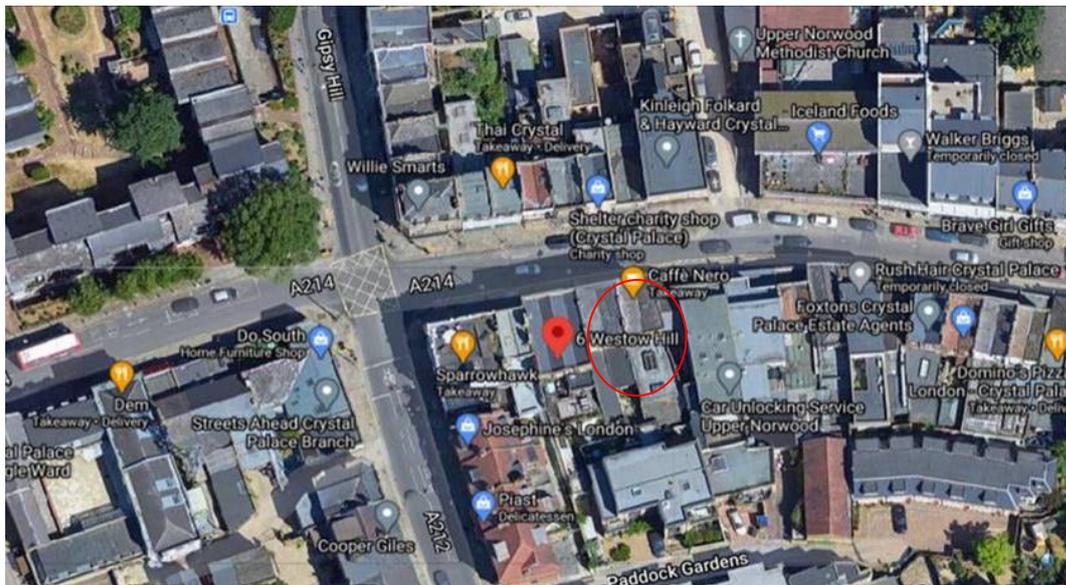


Figure 2: Aerial street view highlighting the proposed site within the surrounding streetscene

Planning History

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

83/02565/P - Use of ground floor shop as betting office - Planning Permission Granted

88/00491/P - Installation of satellite dish aerial – Planning Permission Granted

84/00826/A - Illuminated fascia and projecting sign – Advertisement Consent Granted

20/03182/ADV - 1 no. fascia sign, 1 no. projecting sign and 2 no. internally illuminated display screens – Advertisement Consent 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). The proposed use is acceptable as it is a similar use to that which previously occupied the ground floor of the property.
- Given the character of the surrounding area and the planning history of the site, the design and appearance of the proposed 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 54 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: 69 Objecting: 69 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	<p>It is proposed to retain the existing tiling which is to the front of the premises. The entrance would have tiled steps which would match the tiles of the existing building. The proposed internal screens would be timber framed which would be suitable for this part of the conservation area.</p> <p>The proposed external changes are relatively minor. The shop front would remain as existing with the result that the proposal would not have any impact on character and setting to the conservation area, the streetscape and the character of the area</p>
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 and this can be controlled by planning condition. This would help ensure that the proposed use of the Adult Gaming Centre (AGC) would not unduly impact on the amenities of neighbouring occupants.
Detrimental to the community	The proposed use would have similar characteristics to the previous 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 behaviour. The permitted use of the application site is as a betting shop, which was also a gambling establishment
The use would fail to support the local community	The use of the application site would provide jobs in a similar way as the permitted use of the site.
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.
Impact on Trees	There are no trees near the site that would be affected by the

	proposed development.
Traffic/Highways	The application site is located in an area with a PTAL rating of 6a which indicated that public transport levels are very good. The site is also within walking distance of Crystal Place Rail Station and there is some limited parking outside of the site. Therefore the proposal would not harm parking provision in the area.
There are gambling premises in the area	It is noted that there are other gambling premises in the area but it is considered that there is not such an abundance of them that they would harm the vitality and viability of the commercial area.
Adverse impact on viability	The existing use of the site is as a betting shop (Sui Generis), the proposed use as an Adult Gaming Centre would be a similar use which would not affect the viability of the area.
The signage is unacceptable	Amended drawings have been received so that the signage would not adversely impact on the character, appearance and setting of the Conservation Area. In addition, a separate advertisement application is required to be submitted to allow the adverts to be fully assessed.
The opening hours would lead to disturbance	The proposed hours would be similar to other establishments in the area with the result that the hours would not adversely impact on the amenities of nearby residents. Opening hours can be controlled by the imposition of a planning condition.

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 London Borough of Lambeth have confirmed that they raise no objection to the proposal.

7.0 RELEVANT PLANNING POLICIES AND GUIDANCE

7.1 The National Planning Policy Framework (NPPF) dated February 2019 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 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 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.
- DM4 Development in Croydon Metropolitan Centre, District and Local Centres
- 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 plan appears close to adoption. The Mayor's Intend to Publish version of the New London Plan has been submitted to the Secretary of State. 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 to consider 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

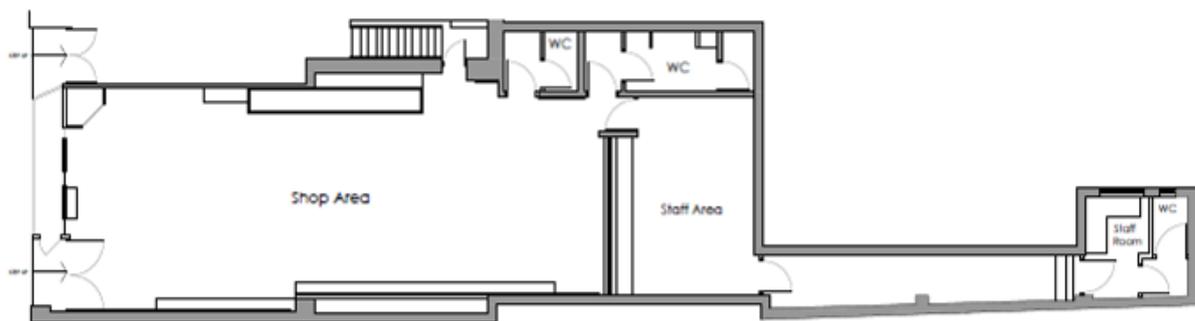
Principle of Development

- 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 proposals and changes of use on the ground floor must accord with Table 5.3 (set out below).

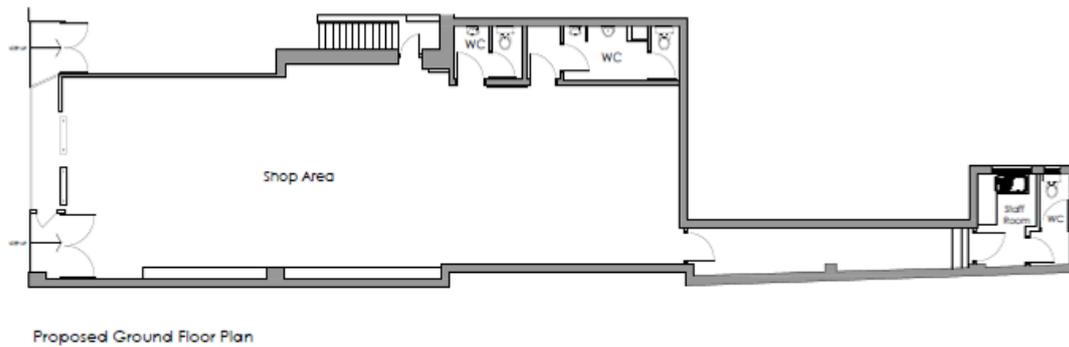
Table 5.3 New development proposals and changes of use in Croydon Metropolitan Centre and District and Local Centres

Part of the town centre	Use	Expansion of existing uses or newly proposed uses
Main Retail Frontage	A1	Acceptable in principle
	A2 – A4	Acceptable in principle as long as it does not result in more than 60% of the ground floor of units falling outside the A1 Use Class ³⁷
	A5	Acceptable in principle as long as it does not result in more than 60% of the ground floor of units falling outside the A1 Use Class and does not result in two or more adjoining A5 units ³⁷
	All Other Uses	All changes of use to a non Class A ground floor space within Main Retail Frontages will be refused. Expansions of existing non Class A uses will be refused unless it relates to a Community Use
Secondary Retail Frontage	A1 – A4 and Community Uses	Acceptable in principle with a ground floor limit on Community Uses in these locations of 250m ² (gross)
	A5	Acceptable in principle as long as it does not result in two or more adjoining A5 units at ground floor
	B1	Acceptable in principle as long as it results in an active frontage and does not undermine the retail function of the frontage
	All Other Uses	Unless it relates to a Community Use proposals involving an increase of existing non A Class ground floor space within Secondary Retail Frontage will be refused
Outside a Frontage but within Primary Shopping Area	All Uses	Acceptable in principle subject to the requirements of Policy DM4.3
Rest of Centre	A1	See Policy DM8: Development in edge of centre and out of centre locations
	All Other Uses	Acceptable in principle subject to the requirements of Policies DM4.3 and SP3.2

- 8.3 The application site is located within a District Centre, Conservation Area, Primary Shopping Area, and is part of a Main Retail Frontage. It is noted that Policy DM4.2 does not support the creation of new Sui Generis use classes within such designations. However, in this instance the current use of the application site is a betting shop which means that it already has a Sui Generis use class and it is proposed to change the betting shop to an adult gaming centre which would also have a Sui Generis use class.
- 8.4 It is noted that since 1st September 2020 several Use Classes have changed in some matters with the creation of a Use Class to include (E) which includes some use which were previously A1, D1 and D2 as well as uses that were in Use Class A2, A3, A4, A5 and B1. Furthermore, there has been a creation of a F1 Use Class and a F2 Use Class which concerns some previously A1 uses, some previously D1 uses and some previously D2 uses. However, Sui Generis has largely been kept the same and the changes to the use classes order do not affect this application.
- 8.5 The application scheme would therefore not result in an increase of existing non A Class uses within this designated parade and is therefore in accordance with this Policy. It would also not result in the loss of any existing retail function.



Existing Ground Floor Plan



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 site is in the Upper Norwood Triangle Conservation Area, which is a historic settlement of late 18th Century Origins. The fine urban grain and buildings of various scales and styles with high quality architecture and detailing contribute to the special character of the area.
- 8.9 The building is part of a terrace and dates from the mid-19th century. Whilst a modern shopfront has previously been installed the rest of the building retains its architectural character and makes a positive contribution to the CA.
- 8.10 The Upper Norwood Triangle CAAMP notes that "The design of new shopfronts plays a crucial role in maintaining the architectural character of the conservation area; poor quality shopfront design and materials have a negative impact on the character of the conservation area."
- 8.11 It is proposed to retain the existing tiling which is to the front of the premises. The entrance would have tiled steps which would match the tiles of the existing building. The proposed internal screens would be timber framed which would be suitable for this part of the conservation area. The proposed signage is halo illuminated which would also be suitable in this part of the conservation area.

8.12 The proposed external changes are relatively minor. While the submitted drawings include signage and lighting, this signage and lighting has been granted consent under LPA reference: 20/03182/ADV. The external changes would be appropriate given the setting and existing condition of the building, and would not cause any harm to character or heritage significance. The rest of the shop front would remain as existing with the result that the proposal 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.



Residential amenity for neighbouring occupants

8.13 It is proposed that the proposed unit would be open to the general public from 08:00 hours to 23:00 hours.

8.14 A number of the objections 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. In addition to this the proposed use is similar to that which is permitted on the site and The Environmental Health Protect Team has confirmed that they have no records of any noise complaints for the permitted use in at least the last 10 years.

8.15 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	Opening hours
7 Westow Hill, London, SE19 1RX	Thai Crystal	Monday to Thursday Noon-3 pm & 5:30 pm - 10:30 pm Friday - Noon-3 pm & 5:30 pm - 11 pm Saturday - Noon-11 pm Sunday - Noon-11 pm
9 Westow Hill, London, SE19 1RX	Lion Chicken	Monday to Sunday - 11.00am to midnight
14 Westow Hill, London, SE19 1RX	Chi Oriental	Monday to Sunday – 12pm to 11:00pm
18 Westow Hill, London, SE19 1RX	Edo	Tuesday to Friday - 11.00am to 11.00pm Saturday & Sunday 1.00pm to 11.00pm
36 Westow Hill, London, SE19 1RX	Palace Spice	Sunday to Friday – 6.00pm to midnight
42 Westow Hill, London, SE19 1RX	Royal Albert	Monday to Sunday – 11:30am to 12:30am
48 Westow Hill, London, SE19 1RX	Numidie	Monday and Tuesday 5:30pm to 11:00pm Wednesday 5:30pm to midnight Thursday and Friday – 5:30 to 2:00am Saturday - Noon-3 pm & 5:30 pm - 2 am Sunday - Noon-3 pm & 5:30 pm - midnight
50-54 Westow Hill,	Tamnag Thai	Monday to Sunday – noon to 11.00pm
64 Westow Hill, London SE19 1RX	500 degrees	Monday to Friday – noon to 11.00pm
66 Westow Hill, London SE19 1RX	Porte Nuovo	Monday to Saturday - noon to 11pm Sunday - noon to 10.30pm
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

8.16 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.

8.17 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 Monday – Sunday (including Bank Holidays) 08:00 - 23:00.

8.18 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.

8.19 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.

8.20 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 in comparison to the permitted use.

Other Planning Matters

8.21 The plans do not show the location of bin storage. The applicant's agent has confirmed that currently, rubbish is stored at the rear of the property and collected using Biffa Commercial Waste service –to a ratio of 1 to 2 collections per week. It is proposed that the proposed scheme would utilise the existing collection arrangement. However, it is appropriate to attach a condition to secure the location of the proposed bin store.

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. Therefore, the proposed development is accessible and is recommended for approval.

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