

# Planning Sub-Committee Agenda



To: Councillor Muhammad Ali (Chair)  
Councillor Paul Scott (Vice-Chair)  
Councillors Toni Letts, Chris Clark, Joy Prince, Sherwan Chowdhury,  
Jason Perry, Scott Roche, Gareth Streeter and Ian Parker

A meeting of the **Planning Sub-Committee** which you are hereby summoned to attend, will be held on **Thursday, 6 June 2019** at the rise of Planning Committee but not earlier than **7.30pm** in **Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX**

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[www.croydon.gov.uk/meetings](http://www.croydon.gov.uk/meetings)  
Wednesday, 29 May 2019

Members of the public are welcome to attend this meeting.

If you require any assistance, please contact the person detailed above, on the righthand side.

To register a request to speak, please either e-mail

[Democratic.Services@croydon.gov.uk](mailto:Democratic.Services@croydon.gov.uk) or phone the number above by 4pm on the Tuesday before the meeting.

N.B This meeting will be paperless. The agenda can be accessed online at [www.croydon.gov.uk/meetings](http://www.croydon.gov.uk/meetings)

## **AGENDA – PART A**

### **1. Apologies for absence**

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

### **2. Disclosure of Interest**

In accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, Members and co-opted Members of the Council are reminded that it is a requirement to register disclosable pecuniary interests (DPIs) and gifts and hospitality to the value of which exceeds £50 or multiple gifts and/or instances of hospitality with a cumulative value of £50 or more when received from a single donor within a rolling twelve month period. In addition, Members and co-opted Members are reminded that unless their disclosable pecuniary interest is registered on the register of interests or is the subject of a pending notification to the Monitoring Officer, they are required to disclose those disclosable pecuniary interests at the meeting. This should be done by completing the Disclosure of Interest form and handing it to the Democratic Services representative at the start of the meeting. The Chair will then invite Members to make their disclosure orally at the commencement of Agenda item 3. Completed disclosure forms will be provided to the Monitoring Officer for inclusion on the Register of Members' Interests.

### **3. 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.

### **4. Planning applications for decision (Pages 5 - 12)**

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

#### **4.1 19/01168/FUL 1-18 The Pines, Purley, CR8 2DZ (Pages 13 - 22)**

Replacement of 6 antennas on building roof-top with 12 up-graded antennas and 4x600mm diameter dishes, installation of 8 equipment cabinets at ground-level, plus ancillary works.

Ward: Purley and Woodcote

Recommendation: Grant permission

**5. 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."

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## PLANNING SUB-COMMITTEE AGENDA

### PART 4: Planning Applications for Decision

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#### 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 4 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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**1 APPLICATION DETAILS**

Ref: 19/01168/FUL  
Location: 1-18 The Pines, Purley, CR8 2DZ  
Ward: Purley and Woodcote  
Description: Replacement of 6 antennas on building roof-top with 12 up-graded antennas and 4x600mm diameter dishes, installation of 8 equipment cabinets at ground-level, plus ancillary works.  
Drawing Nos: Site Location Plan (Drawing no.002), Existing Site Plan (Drawing no.100), Existing Site Elevation (Drawing no.150), Proposed Max Configuration Site Plan (Drawing no.215), (Proposed Max Configuration Elevation Drawing no.265) Received 01/02/2019.  
Applicant: Daly International  
Agent: Daly International  
Case Officer: Joe Sales

1.1 This application is being reported to Planning Sub Committee in view of the number of objections received, above the threshold outlined in the Committee Consideration Criteria and the Council Constitution.

**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:

**Conditions**

1. In accordance with the approved plans
2. Works to commence within 3 years
3. Noise levels from fixed external machinery to be 10dB below existing background noise levels
4. Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport

**Informatives**

- 1) Code of practise for construction sites
- 2) Any other informative(s) considered necessary by the Director of Planning and Strategic Transport

**3.0 PROPOSAL AND LOCATION DETAILS**

## **Proposal**

3.1 The applicant seeks full planning permission for the following:

- Removal of the existing roof top equipment
- Installation of 12 upgraded antennas, 4x600mm diameter dishes and 8 equipment cabinets to facilitate the upgrade of the telecommunications network to 5G capability

## **Site and Surroundings**

3.4 The Pines is a 3 storey residential block which is situated on the southern side of The Pines – just off St James Road (which links Downs Court Road with Godstone Road). The surrounding area is residential in character and comprises of a mix of two storey semi-detached properties. On the opposite side of St James Road lies the Church of St James, which is a Grade II\* Listed Building.

3.5 The property currently accommodates multiple pieces of telecommunication apparatus on the existing rooftop with supporting equipment at the ground floor level.

3.6 The application site lies within an area at risk of surface water flooding as identified by the Croydon Flood Maps.

## **Planning History**

3.7 The existing installation has been in place over a number of years (since around 2006-2007) which was carried out without the need for planning permission.

## **4.0 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- The proposed masts would help in the delivery of 5G technology and enhanced communication, supporting the expansion of electronic communications networks.
- The proposed installation seeks to replace existing mast arrangements, already located within a residential area.
- The existing masts can already be viewed from surrounding properties (including the listed Church of St James) and whilst it is accepted and acknowledged that the masts would be more prominent, in view of the neighbouring context and the appearance of the existing structure, the visual impact of the replacement mast installations would be acceptable.
- The application has been accompanied by an ICNIRP Certificate which suitably satisfies International Guidelines associated with on-ionising radiation levels.

## **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 way of notification letters. The number of representations received from neighbours, local groups etc. in response to notification and publicity of the application were as follows:

Total Consulted: 55 No. of individual responses: 21 Objecting: 20 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:

Objections:

- Obtrusive design and will detract from the residential character of the immediate area
- Detrimental effect on neighbouring trees
- The scheme not only proposes larger installations (of an industrial magnitude) but also a third mast installation which would add significantly to the industrial appearance of the residential block of flats.
- This enlarged installation represents over-development of the site
- Not in keeping with the area and no attempt to identify alternative (more suitable) locations – plenty of alternative commercial buildings which would prove more suitable.
- Concerns raised over the health effects of such an installation – especially for young children
- Residents were never notified when the masts were first installed on the building

6.3 The following issues were raised – but are not material to the determination of the planning application

- The installation will affect property prices within the area. (OFFICER COMMENT) The value of property is not a planning consideration
- The existing installation is causing damage to the existing roof of the apartment block. (OFFICER COMMENT) This is a matter between the owners of the block and the telecoms operator.

## **7.0 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. The determination shall be made in accordance with the plan unless material considerations indicate otherwise. The Council's adopted Development Plan consists of the Consolidated London Plan 2015, the Croydon Local Plan 2018 (CLP) and the South London Waste Plan 2012.

7.2 Government Guidance is contained in the National Planning Policy Framework (NPPF), issued in February 2019. 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:

- Requiring good design.
- Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions

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

Consolidated London Plan 2015 (LP):

- 4.11 Encouraging a Connected Economy
- 7.4 Local Character
- 7.6 Architecture

Croydon Local Plan 2018 (CLP 2018):

- DM10 Design and Character
- DM18.3 Preserve or Enhance Listed Buildings
- DM 17 Views and Landmarks
- DM33 Telecommunications

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

8.1 The principal issues relate to:

- The continued desire to enhance mobile technology – as a contributor to economic growth;
- The appearance of the proposed replacement installation and the extent of harm caused to existing visual amenities, including the setting of the neighbouring listed Church of St James
- Other residential amenity considerations
- The location of the proposed installation and the extent to which health concerns should be taken into consideration as part of this determination process

### **Enhanced Mobile Technology – Contributing to Economic Growth**

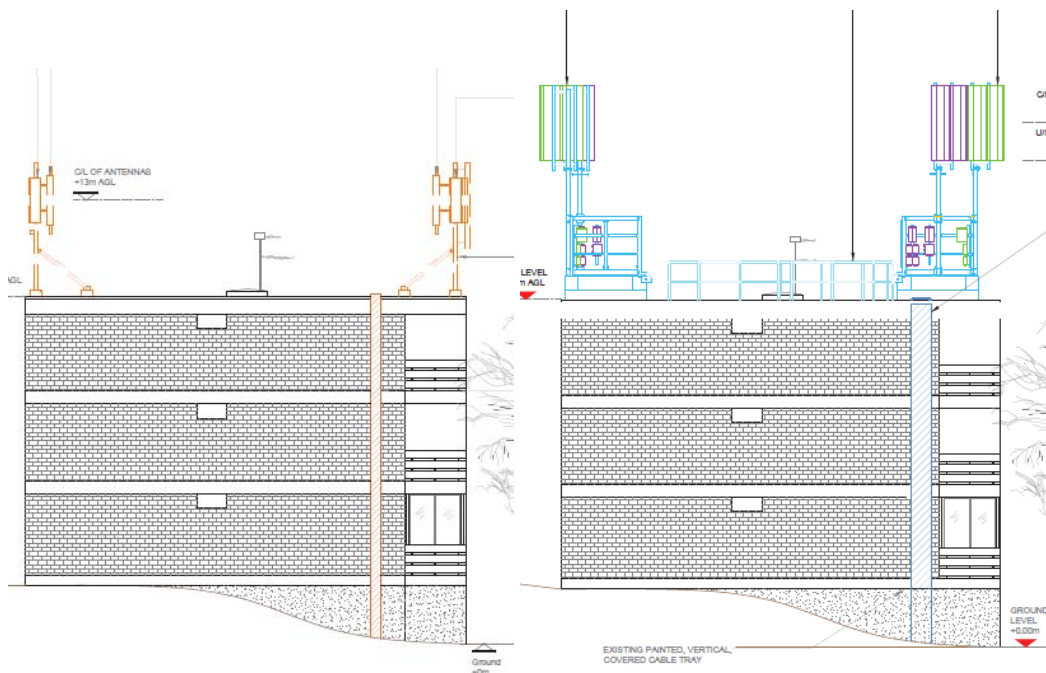
8.2 Section 10 of the National Planning Policy Framework (NPPF) focusses specifically on supporting mobile technology, which Government considers is essential for economic growth and social well-being. It states that planning policy and decisions should support expansion of next generation mobile technology (such as 5G). It advises that the number of masts should be kept to a minimum consistent with the needs of customers, with use of existing masts being

encouraged. It states that where new masts are proposed, equipment should be sympathetically designed and camouflaged where appropriate. It also states that local planning authorities should not impose a ban on new electronic communications development.

8.3 Policy 4.11 of the London Plan (Consolidated with Alterations since 2011) seeks to facilitate the provision and delivery of the information and communications technology infrastructure and supports the use of information and telecommunications technology.

8.4 It is clear that this proposed installation would provide enhanced telecommunications coverage (with enhanced signal as a consequence of additional height and more sophisticated antennae) seeking to deliver enhanced 5G technology. This is fully in accordance with the NPPF.

### Visual Amenities and Setting of Listed Building



8.5 The Croydon Local Plan (Policy DM33) advises that when proposing a new mast, the applicant is required to demonstrate that there are no existing buildings, masts or other structures on which the apparatus could be sited. It also directs such development (where possible) away from Green Belt and Metropolitan Open Land and seeks to ensure that such installations do not impact on the operation of other electronic devices in the immediate area. Finally, the policy advises that the proposed development should be sited and designed to minimise the impact to the external appearance of the building or structure.

8.6 The proposal would involve the removal of the existing two rooftop communications masts and replacement with the installation of three masts

involving 12 upgraded antennas, 4x600mm diameter dishes and 8 equipment cabinets to facilitate 5G technology.

- 8.5 It is clear that the installation will be more prominent when viewed from St James Road and The Pines and a number of residents have raised concern about this increased prominence. The installation will also be more prominent when viewed from within the grounds of the listed Church of St James, further affecting its setting; albeit causing less than substantial harm to that setting in view of the presence of trees which would help screen the proposed installation. Whilst the installation would be larger and more extensive, given the overall scale, positioning and massing of the works and that existing installations are already prominent, both in terms of the visual amenities of immediate neighbours and the setting of the neighbouring listed building, when balanced against the positive approach offered when seeking to respond to changes in telecommunications technology, it is unlikely that a refusal of planning permission on grounds of the impact of the development on the character and appearance of the area/host building and the setting of the neighbouring listed building would be supported on appeal. Whilst it is acknowledged that the mast installation will be more prominent, in view of the appearance of the existing structures, considered alongside the need to deliver 5G technology (as highlighted by the NPPF), officers are satisfied on balance, that the harm caused as a consequence of the replacement/additional masts would not be sufficient to sustain a sound reason for refusal.
- 8.7 Whilst policy requires exploration of site sharing of telecommunication masts and other building installations, the replacement of the existing mast (which has been in place for a number of years) represents a suitable solution.

### **Residential Amenities**

- 8.8 Local residents have raised issues of over-development, increased overlooking and an increase in noise levels. It is very difficult to understand how these issues apply to this proposed replacement telecommunications mast (albeit in a larger form) and conditions are recommended to ensure that noise levels arising out of the base station cabinets are set at reasonable levels.

### **Health Impacts**

- 8.9 The NPPF advises that applications for telecommunications equipment should be supported by necessary evidence, including consultation with local schools or colleges alongside the submission of a self-certification statement to certify the cumulative exposure, to confirm that when operational, the installation would not exceed International Commission guidelines on non-ionising radiation.
- 8.10 There is one school in the immediate vicinity (Oakwood School) which is an independent Catholic School and the application was accompanied by the required ICNIRP Certificate which satisfies the requirements as laid down by the NPPF. Health considerations and public concern, including perceived fear of health risks can in principal be considerations in determining applications for planning permission. However it is for the decision maker (generally the local



planning authority) to determine the weight to be afforded to such considerations in any particular case. In the Government's view, if the development meets the ICNIRP guidelines for public exposure, it should not be necessary for a local planning authority, in processing a planning application, to further consider health aspects and concerns. The applicant, in this case, has confirmed that the proposed installation would comply with the relevant ICNIRP guidelines and a Certificate has been provided to this effect.

- 8.12 Whilst it is clear that residents remain concerned about increased exposure through the introduction of 5G technology, the applicant has satisfied requirements and there is no basis to refuse planning permission on grounds of potential health effects of the proposed installation. Whilst the health effects of such installations is a material consideration, the presence of a valid ICNIRP Certificate satisfactorily deals with the issue.

### **Conclusion**

- 8.13 Taking all of the above planning considerations into account, it is recommended that planning permission should be granted. Whilst it is appreciated that the replacement installation would be more prominent (both in terms of scale and number) the scheme would replace an existing installation and would deliver enhanced mobile phone technology. Therefore, on balance, planning permission should be granted, albeit subject to conditions to limit noise breakout from any of the base station cabinets.
- 8.14 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted subject to a legal agreement for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

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