

1.0 SUMMARY OF APPLICATION DETAILS

Ref:	18/06058/FUL
Location:	58-60 Westow Hill, Upper Norwood
Ward:	Crystal Palace and Upper Norwood
Description:	Alterations and use of ground floor for A3 (Restaurant and Cafe) and A4 (Drinking Establishment) Uses, installation of new shopfront and awning, erection of extractor fan at rear, erection of gate in side access and provision of landscaping features, provision of associated refuse storage to rear.
Drawing Nos:	SW60CH P ; WH60CH 300 LUL rev 1 ; WH60CH 200 EE ; WH60CH 200 NE ; WH60CH 200 WE ; WH60CH 100 GA 100 ; WH60CH GA 200 ; WH60CH 300 CSMP ; WH60CH 300 SP ; WH60CH LP rev 1 ; WH60CH 300 KE.
Applicant:	Jove Ltd
Agent:	Ms Maria Gallego Lopez
Case Officer:	Mr D A Gibson

- 1.1 The application has been Referred to the Planning Sub-Committee for consideration by Councillor Stephen Mann (objecting). The total number of resident objections received also exceeds the threshold of officer delegated authority. Therefore, in accordance with the Committee Consideration Criteria it is reported for Consideration by the Planning Sub-Committee.

2.0 RECOMMENDATION

- 2.1 That the Planning Sub-Committee resolve to GRANT planning permission.
- 2.2 That the Director of Planning and Strategic Transport is 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 (appearance/management) of security gate to side pedestrian passage.
 5. Windows and doors to be implemented as timber framed as specified and approved, and retained as such thereafter.
 6. No seating or tables shall be provided in the side passage.
 7. Details of security lighting (siting and specification).
 8. Details of waste management plan to be submitted for approval.
 9. Refuse store to be provided prior to use.
 10. Control of opening hours of pub (including use of side passageway).

11. Details of noise limiting devices for sound amplification / music to be submitted for approval.
12. Details of electrostatic precipitator within extractor fan system.
13. S278 highways agreement to make provision for loading bay for delivery vehicles on Westow Hill being agreed before commencement of development.
14. Re-instatement of redundant dropped kerb, outside site on Westow Hill, to full height kerb.
15. 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

Proposal

- 3.1 The proposal is to convert a vacant ground floor shop (formerly Plumbase) into a pub. The alterations would involve the installation of a new shopfront and awning, alterations to the side and landscaping and a gate to the side access, siting of rear extractor fan, and refuse storage to the rear.
- 3.2 The proposed opening times are :
 - 0900 hours to 2330 hours Sundays to Wednesdays.
 - 0900 hours to 0030 Thursday to Saturdays.
 - The serving of alcohol will cease 30 minutes before closing time.
 - Use of the side passage for customers will cease at 2200 hours.

Site and Surroundings

- 3.3 Three storey building on southern side of Westow Hill (part of Crystal Palace Triangle). The ground floor is 252 square metres in area and projects back and forward of the main building and is a vacant shop (formerly Plumbase) with modern shopfront (currently hoarded). The upper floors are in use as flats. The building has an attractive municipal red brick and decorative stone façade. The eastern flank and southern rear elevations of the building are formed of a yellow London stock brick. There are infilled windows on the ground floor flank eastern elevation. There is an impromptu rear roof garden at first floor level serving the upper floor residential units. There is a paved side vehicle / pedestrian access adjacent to the eastern flank of the building and a low barrier gate to it.
- 3.4 There is a vacant warehouse building to the rear of the application site, which was ancillary storage for the Plumbase store. The immediate area is predominantly commercial in character albeit with flats above ground floor commercial units in some instances. Also, there are residential dwellings to the

south-east and south of the site in St. Aubyn's Road and Brunel Close respectively.

- 3.5 The site is designated as Secondary Retail Frontage in the Upper Norwood District Centre. The site is within the Upper Norwood Conservation Area.
- 3.6 Westow Hill is classified as a Local Distributor Road. The site has a Public Transport Accessibility Level (PTAL) of 5 (good).

Relevant Planning History

- 3.7 18/01332/FUL - Alterations and use of ground floor as a public house, installation of shopfront and awning, erection of extractor fan at rear, erection of gate in side access and provision of landscaping features: provision of associated refuse storage to rear.
11/09/18 - Withdrawn application.

Warehouse to Rear

- 3.8 18/02544/FUL - Demolition of rear warehouse building, erection of 1 two storey 2 bedroom house and 2 three storey 3 bedroom houses, provision of associated cycle and refuse storage.
01/02/19 – Withdrawn application.

4.0 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposed development would promote a retail function in a District Centre.
- The proposed design alterations would be in keeping with its context, thus preserving the appearance of the site, surrounding area, and conservation area.
- The proposed development would not cause significant harm to neighbouring properties' living conditions.
- The proposed development is in an area highly accessible by public transport and would not have an adverse impact on the operation of the adjacent highway, subject to conditions
- The proposed development would be subject to conditions controlling hours and music / sound amplification within the premises to protect nearby residents from adverse noise and disturbance.

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 Councillor Stephen Mann has Referred (Objecting) the application to Planning Sub-Committee on the following grounds :

- Saturation of pubs in locality.
- Loss of shop use.
- Affect on 62 Westow Hill.

- 6.2 A total of 13 neighbouring properties were notified about the application and invited to comment by the way of letter.
- 6.3 The application was also advertised by way of site notices and a press notice as it is within a conservation area.
- 6.4 Consultations were sent to adjoining Boroughs – Lambeth and Bromley. Both acknowledged receipt, but neither provided comments on the application.
- 6.5 Transport for London were consulted on the application and had no comment to make on it.
- 6.6 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

Individual responses: 83

59 Objections ; 23 Supporting ; 1 Commenting

The following summarised issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report

Objections

- Loss of A1 (Shop) Use / Imbalance of non-A1 Uses in Triangle
- Too many pubs in locality / Too many Antic Pubs in locality.
- Will attract many more patrons (possibly up to 250 people) than an A1 Use Class.
- In area 8 premises have late-night licences / 15 have alcohol licences.
- Too many late licence venues in locality.
- Out of character with independent shops in Triangle.
- Will dissuade other businesses from locating in vicinity.
- Contrary to NPPF on promoting retail diversity.
- There are a number of vacant pubs in locality – why can't they be used instead.
- Planning application submitted to Bromley Council re 'Grape and Grain' pub is a better example of a sensitive development.
- Will be converted to flats.
- Affect on character of positive unlisted building at 58-60 Westow Hill.
- Increased noise and disturbance / anti-social behaviour / smoking / drug use.
- Specific noise issues from proximity / use of side passage on the residents of 62 and 60a Westow Hill.
- Adverse effect on residential neighbours.
- Will effect shift workers.
- Increased pollution from extractor fans.
- Increased overlooking.
- Inaccurate and contradicting information in application submission / misleading site plans.

- Site has been marketed to deliberately put off A1 Use Class occupiers.
- Degradation of conservation area / Contrary to guidance documents.
- Affect on trees / wildlife (Officer Comment : There are no trees on the site).
- Increased traffic.
- Will cause highway hazards.
- Unclear delivery arrangements (Officer Comment : A delivery and servicing plan was submitted with the application).
- Unsafe delivery arrangements.
- Will impede a right of way along the side passageway.
- Increased light pollution.
- Stringent conditions should be applied if planning permission is granted.
- Will block access to rear storage unit.
- Will attract vermin.

Officer Comment : A number of objecting representations made reference to application ref: 18/02544/FUL, which proposed 3 houses in place of a warehouse to the rear of the site. However, the application was formally withdrawn by the applicant on 01/02/19.

Supporting

- Will bring derelict shop back into use.
- Will improve appearance of building.
- Will add to vibrancy of area.
- A number of objectors are not from local area.

Commenting

- Hours of opening not specified (Officer Comment : The proposed hours of opening are specified within the application documents).

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 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 Croydon Local Plan (2018), Mayor's London Plan (2016) and the South London Waste Plan 2012.

7.2 Government guidance is contained in the National Planning Policy Framework (NPPF), issued in March 2012. 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:

- Achieving sustainable development.
- Ensuring the vitality of town centres.
- Promoting sustainable transport.
- Achieving well-designed places.

- Conserving and enhancing the historic environment.
- 7.3 The National Planning Policy Framework (NPPF) July 2018 is a material consideration in planning decisions.
- 7.4 The main policy considerations from the London Plan (2016) raised by the application that the Sub-Committee are required to consider are:
- Policy 1.1 Delivering the Strategic Vision and Objectives for London.
 - Policy 4.1 Developing London's Economy.
 - Policy 4.7 Retail and Town Centre Development.
 - Policy 4.8 Supporting Diverse Retail Sectors / Facilities.
 - Policy 6.1 Strategic Approach (Transport).
 - Policy 6.3 Assessing Effects of Development on Transport Capacity.
 - Policy 6.12 Road Network Capacity.
 - Policy 6.13 Parking.
 - Policy 7.2 An Inclusive Environment.
 - Policy 7.4 Local Character.
 - Policy 7.6 Architecture.
 - Policy 7.8 Heritage Assets.
- 7.5 A new draft London Plan has been out for public consultation The GLA current program is for examination of the plan and a final London Plan published in Autumn of 2019. The current 2016 consolidation Plan is still the adopted Development Plan. However the Draft London Plan is a material consideration in planning decisions and will gain more weight as it moves through the process to adoption. At present the plan in general is considered to carry minimal weight.
- 7.6 The main policy considerations from the Croydon Local Plan (2018) raised by the application that the Sub-Committee are required to consider are:
- Policy SP1 The Places of Croydon.
 - Policy SP3 Employment.
 - 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.
 - DM18 Heritage Assets and Conservation.
 - SP8 Transport and Communication.
 - DM29 Promoting Sustainable Travel / Reducing Congestion.
 - DM30 Car and Cycle parking in new development.
 - DM39 Crystal Palace and Upper Norwood.

8.0 MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the Planning Sub-Committee are required to consider are:

- Principle of development in relation to shopping area policies.
- Impact on the appearance of the site, surrounding area and conservation area.
- Impact of the development on neighbouring properties' living conditions.
- Impact of the development on parking and the highway.
- Other planning issues.

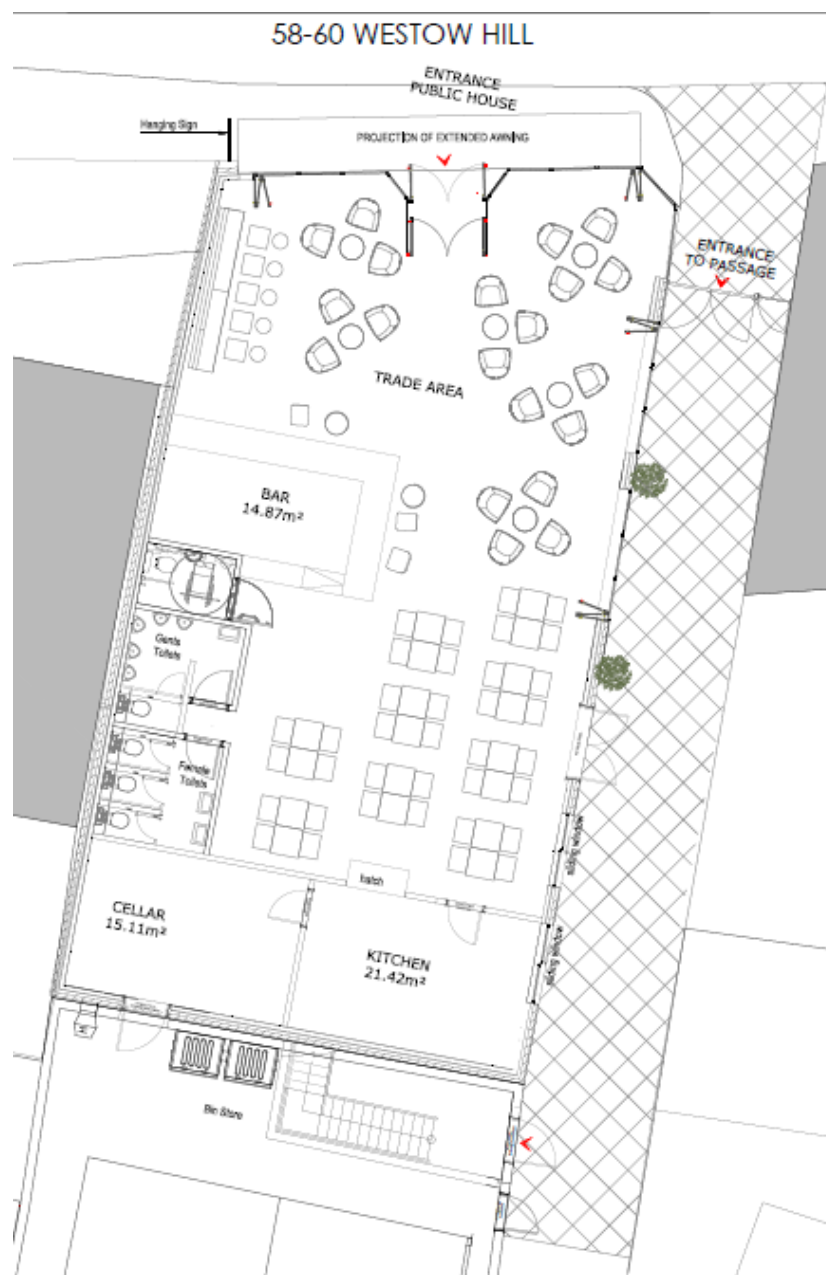
Principle of development

- 8.2 The existing property is a vacant shop (A1 Use Class). Policy SP3.8 of the Croydon Local Plan promotes the provision of retail uses within District Centres. Policy SP3.12 seeks to maintain, as a minimum, the current amount of retail floorspace in District Centres, enhance the quality of retail floorspace, and reduce the vacancy of shop units. Policy DM4.1 seeks to ensure that the vitality and viability of District Centres is maintained by not allowing changes of use which would result in a net loss of 'A' Use Classes. Policy DM4.2 requires changes of use to ground floors within District Centres to comply with Table 5.3 of The Croydon Local Plan. This Table permits changes of uses in Secondary Retail Frontages in District Centres (such as this) between A1 retail uses and A3 restaurant and A4 and drinking establishment uses.
- 8.3 The proposal would be acceptable in principle as policy makes provision for a change of use from an A1 Use Class to an A3 or A4 Use Class within the Secondary Retail Frontage of the District Centre. There are 14 pubs/bars around the Crystal Palace Triangle. Policy does not seek to control the number of pubs within a specific area and nor does it require the vacancy of other pub buildings to be a consideration.

Impact on the appearance of the site, surrounding area and conservation area.

- 8.4 The existing ground floor façade of the building has deteriorated as a result of the vacancy of the shop unit. The proposed shopfront would have an acceptable glazing arrangement with bi-folding doors. Stallrisers would be provided to the base of the glazing and a horizontal window with street number etched on it would be provided above the main entrance doors. The glazing arrangement would fit in well with the proportions and alignment of the existing feature windows at first and second floors on the façade of the building. The shopfront would have timber frames and a timber fascia is proposed. The use of timber materials can be secured by condition. The applicant has proposed naming the pub 'Cambridge Coopers'. This is a reference to both a shop called 'Coopers' which occupied the site in the 1960's and to a historic, now defunct, pub in the vicinity called 'The Cambridge'.

- 8.5 The ground floor eastern flank wall of the site would also have glazed bi-folding doors opening out onto the side passageway. This would improve the appearance of the eastern flank of the building and would have the benefit of providing natural surveillance of the passageway and activity within it. The current tarmac surface of the passageway would be improved through the provision of an improved a paving slab scheme. Full details of the materials of the proposed re-surfacing can be secured by condition. The extractor fan equipment would be sited on the rear elevation of the building and so would not be highly visible in the street scene or surrounding built environment.
- 8.6 The proposed new shopfront and other alterations would improve the overall appearance of the building and preserve and enhance the appearance of the conservation area.



Proposed Ground Floor Layout

Impact of the development on neighbouring properties' living conditions.

- 8.7 It is proposed that the pub would be open to the general public from 0900 hours until 2330 hours from Sunday through to Wednesdays. On Thursday, Friday and Saturday is proposed that it would stay open later in the evenings, until 0030 hours. Alcohol would stopped being served 30 minutes before the closing time of the pub. The use of the side passage would cease at 2200 hours.
- 8.8 A number of the residential objections received against the application express concern about noise and disturbance resulting from the proposed pub use. However, it is considered that the opening hours would be acceptable for a District Centre location and the hours are similar to other eating and drinking establishments in the area. The 10pm cessation of the use of the side passage for customer use would assist in managing the effect of the pub use on the residents in 60/62 Westow Hill. To further protect adjacent residents from undue noise and disturbance it is further recommended that no seating and tables are permitted in the side passage. These matters can be secured by condition.
- 8.9 With regard to noise emanating from the activity within the pub, the Council would expect a noise limiting device to be fitted to the electrical supply, which will cut out the supply to amplified music if noise levels exceed a certain decibel level (to be agreed by the Council). The applicant has made provision for a noise limiting device. Full details of it can be secured by condition. It is not proposed to place seating in the passageway adjacent to the eastern flank of the building. Sound proofing is proposed between the ground floor and first floor. The applicant has submitted a Crime and Safety Plan which amongst other things makes provision for CCTV, security lighting , and a staff litter patrol.
- 8.10 The pub's extractor fan system proposed to the rear elevation would discharge at low level. The Council's Environmental Consultant advises that because there will be the use of fryers in the cooking process, an electrostatic precipitator should be installed as part of the extraction system. Full details of this mechanism can be secured by condition.
- 8.11 Therefore, mitigation measures can be put into place to restrict noise and disturbance from the use of the pub and these matters can be secured by condition. As a result, the proposal would not create significant levels of noise disturbance such to justify refusal of planning permission.
- 8.12 It is considered that as the pub would occupy the ground floor of the building that no adverse effect 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.

- 8.13 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.

- 8.14 The site has a Ptal rating of 5 (good) and no off-street parking is proposed. With regard to delivery vehicles the applicant proposes to form a new loading bay on the highway of Westow Hill directly to the front of the existing passageway. Transport for London have not raised any objection to the provision of the loading bay. This would be acceptable subject to a Section 278 legal agreement for highway works being agreed with the relevant highway team. Any works undertaken to provide the bay, such as road markings, would be undertaken by the developer at his own expense. The Section 278 legal agreement would also ensure that a bay of appropriate size can be provided. This matter can be secured by condition. The applicant has confirmed that there is not any vehicular right of way for any other parties to the passageway.
- 8.15 It is not proposed to use the side passageway for vehicular access. The Council would seek to ensure the redundant dropped kerb serving the access would be re-instated to a full height kerb and that works would be undertaken by the developer at his own expense. This matter can be secured by condition.

Other Planning Issues

- 8.16 Bin storage would be provided in the rear of the site and would be wheeled down the passage on collection days. A management plan for collection of refuse can be secured by condition.

9 Conclusion

- 9.1 The proposed development would bring a vacant retail 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.

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