

Agenda Item: 6.2

06/03691/P

05/09/2006

Coulsdon East

Application for full planning permission

Agent:
Westleigh Design
Chamois
Woodside Green
Lenham Kent
ME17 2EU

Applicant:
Mr Choudhry
71 Peacock Street
Gravesend
Kent

Location: 77 Stoats Nest Road, Coulsdon, CR5

Description: Alterations; use of ground floor for purposes within class A5 (hot food take away); erection of single storey rear extension and siting of extract ducting through chimney

Drawing No(s): 110806/1 dated August 2006 and received by Council on 4 September 2006

Recommendation: Grant Permission

Subject to the following condition(s) and reason(s):-

1. Prior to the commencement of the use, details of the anti-vibration mounts on the ductwork shall be submitted to the Local Planning Authority and once approved they must be installed and maintained during the duration of the use of the premises.
Reason: To protect the amenity of adjoining occupiers in accordance with Policy UD8 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)
2. The application premises shall not be used except between 17:00 hours and 23:00 hours on Mondays to Saturdays and between 17:00 hours and 20:30 Sunday
Reason: To protect the amenities of adjoining occupiers
3. All new external work and work of making good shall be carried out in materials to match the existing.
Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy UD3 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)
4. The use of the premises as a hot food take away shall not commence until the owner has made arrangements with the Council for the provision of a litter bin(s) in the vicinity of the site.
Reason: To ensure that provision is made for litter likely to be generated by the proposed hot food take away use in accordance with Policy EP10 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)
5. The extract ducting must exit through the main chimney stack on the main

ridgeline of the roof as indicated on the approved plans and as stated in the agent's email received by Council on 9 October 2006

Reason: To protect the amenity of adjoining occupiers in accordance with Policy UD8 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)

6. Sound insulation must be provided in the form of either a floating floor or independent ceiling between the ground and first floors of the premises. The level of sound insulation provided should, as a minimum, meet the standard specified in The Building Regulations 2003 Approved Document E: Resistance to the Passage of Sound.

Reason: To protect the amenity of adjoining occupiers in accordance with Policy UD8 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)

7. The development shall be begun within three years of the date of the permission.

Reason: To comply with the provisions of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

In granting permission the local planning authority had regard to the following policies:-

1. The relevant policies of the Croydon Replacement Unitary Development Plan (the Croydon Plan) are SP3, SP10, UD2, UD8, EP1, SP23, and SH6

The development is considered to be satisfactory in relation to the following:-

- (a) the appearance of the development in the street scene
- (b) the relationship of the development to adjacent property
- (c) the character of the development in the surrounding area
- (d) the safety of pedestrians and motorists on the adjacent highway
- (e) the safety and security of buildings and the spaces around them
- (f) accessibility to buildings
- (g) the shopping policies of the development plan
- (h) sustainability issues
- (i) the environmental protection policies of the development plan

and having regard to all other matters raised.

Informative(s) :-

- 1 The applicant is advised that there are public sewers crossing the site, therefore no building will be permitted within 3 metres of the sewers without Thames Water's approval. Should you require a building over application form or other information relating to your building/development work, please contact Thames Water on 0845 850 2777.
- 2 The applicant is advised that Thames Water recommends that a bacterial or enzyme dosing unit be fitted on all waste discharge points from kitchen sinks and floor drains prior to discharging to the public sewerage system to avoid blockages at a later date. If this recommendation is ignored this property and others may suffer from sewage flooding.
- 3 A copy of *The Building Regulations 2003 Approved Document E: Resistance to the Passage of Sound* is available from the Office of the Deputy Prime Minister website using on the following link:
<http://www.odpm.gov.uk/pub/348/ApprovedDocumentEResistancetothepassag>

06/03691/P – 77 Stoats Nest Road, Coulsdon

1. SUMMARY

- 1.1 This planning application is for the change of use of the existing premises to Class A5 (Hot Food Takeaway) with ducting through the existing chimney. A single storey rear extension is also proposed which is to be used for storage.
- 1.2 This application was deferred at the last Planning Committee (12 October 2006) pending clarification on the issues upon which a decision could be taken, further information relating to the existing shop unit (including marketing details) and clarification of the relevant UDP policies. The original report is appended to this report updated to include matters referred to in the addendum.

2. RECOMMENDATION

- 2.1 Grant planning permission subject to the conditions and reasons set out in the Agenda.
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3. COMMENT ON RELEVANT ISSUES

Loss of Retail Shop Unit

- 3.1 Policy SH6 states:
“Within Shopping Parades, changes of use between A1, A2, A3, A4 and A5 Uses will be permitted so long as the retail function and vitality are not undermined and the A2, A3, A4, and A5 Uses are not concentrated so as to detract from the established retail character of the parade. In coming to these judgements, the factors to be taken into account will include:
- i) the characteristics of the use proposed, including the level of activity associated with it.*
 - ii) the location and prominence of the premises concerned.*
 - iii) the concentration of non-A1 uses that would result. The Council would not generally support proposals that result in less than 50% of units in the parade being within A1 use or more than 2 non-A1 uses in adjoining premises.*
 - iv) The impact on the amenity of the area and those living or working nearby.*

The Council will refuse permission for development that would result in the loss of Shopping Area Uses.

The Council will consider applications for uses not otherwise permitted by this policy where the premises have been vacant for at least a year and genuine attempts have been made to market them for uses that accord with the policy.”

- 3.2 The proposal would result in two (2) out of seven (7) shops within the parade being

non A1 retail uses, with premises on either side being A1 uses. The proposal therefore quite clearly meets the requirements of Policy SH6.

Vacancy and Marketing

- 3.3 Whilst there is no policy requirement to justify the proposed use in terms of vacancy of the premises or marketing, the agent has provided further information: *“the property has been vacant since January 2006 and has been marketed as an A1 unit since that time.”* As such, it would be very difficult to defend on appeal a refusal reason based on the loss of a retail shop unit.

Impacts on Surrounding Properties

- 3.4 The impacts on surrounding properties and character of the surrounding area were included in the body of the previous report. In regards to the residential property situated directly above the shop unit, it is concluded that the occupiers here would not be unduly affected by the proposal by way of smells or noise given the location of the proposed extract ducting, and standard conditions imposed relating to noise insulation. Environmental Health and Trading Standards have raised no objections to the proposal.

Character of the Area

- 3.5 It is clear that the proposed change of use would be in accordance with the requirements and acceptable uses as defined in Policy SH6. It is therefore considered that the proposal would be in keeping with the character of the surrounding area and would compliment existing uses in this parade of shops.

Noise and General Disturbance

- 3.6 It is not considered that the proposed use would result in a significant increase in noise or general disturbance to the surrounding area, particularly as the activities proposed would not be out of character with other uses in the immediate vicinity. The development would result in some late evening activity but this would be typical of such uses in shopping parades and other than the residents living over the shopping parade, the site is reasonably separated from surrounding residential properties. It would be difficult to sustain a refusal reason on this ground.

Litter

- 3.7 A standard condition requiring waste storage facilities to be provided in the premises has been included as part of any permission granted. The proposal is considered acceptable in this regard.

Report Author: Andrew Beattie
Background Documents: Email from agent
Contact Officer: Philip Mills Tel 020 8760 5419

Agenda Item: 6.7

06/03691/P

05/09/2006

Coulsdon East

Application for full planning permission

Agent:
Westleigh Design
Chamois
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Lenham Kent
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Applicant:
Mr Choudhry
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Gravesend
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Location: 77 Stoats Nest Road, Coulsdon, CR5

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Drawing No(s): 110806/1 dated August 2006 and received by Council on 4 September 2006

Recommendation: Grant Permission

Subject to the following condition(s) and reason(s):-

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Reason: To protect the amenities of adjoining occupiers
3. All new external work and work of making good shall be carried out in materials to match the existing.
Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy UD3 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)
4. The use of the premises as a hot food take away shall not commence until the owner has made arrangements with the Council for the provision of a litter bin(s) in the vicinity of the site.
Reason: To ensure that provision is made for litter likely to be generated by the proposed hot food take away use in accordance with Policy EP10 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)
6. The development shall be begun within three years of the date of the

permission.

Reason: To comply with the provisions of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

In granting permission the local planning authority had regard to the following policies:-

1. The relevant policies of the Croydon Replacement Unitary Development Plan (the Croydon Plan) are SP3, SP10, UD2, UD8, EP1, SP23, and SH6

The development is considered to be satisfactory in relation to the following:-

- (a) the appearance of the development in the street scene
 - (b) the relationship of the development to adjacent property
 - (c) the character of the development in the surrounding area
 - (d) the safety of pedestrians and motorists on the adjacent highway
 - (e) the safety and security of buildings and the spaces around them
 - (f) accessibility to buildings
 - (g) the shopping policies of the development plan
 - (h) sustainability issues
 - (i) the environmental protection policies of the development plan
- and having regard to all other matters raised.

Informative(s) :-

- 1 The applicant is advised that there are public sewers crossing the site, therefore no building will be permitted within 3 metres of the sewers without Thames Water's approval. Should you require a building over application form or other information relating to your building/development work, please contact Thames Water on 0845 850 2777.
- 2 The applicant is advised that Thames Water recommends that a bacterial or enzyme dosing unit be fitted on all waste discharge points from kitchen sinks and floor drains prior to discharging to the public sewerage system to avoid blockages at a later date. If this recommendation is ignored this property and others may suffer from sewage flooding.

Ward: Coulsdon East
Lead Officer: Head of Planning Control

PLANNING COMMITTEE
12 October 2006

06/03691/P – 77 Stoats Nest Road, Coulsdon

1. SUMMARY

- 1.1 This planning application is for the change of use of the existing premises to Class A5 (Hot Food Takeaway) with ducting through the existing chimney. A single storey rear extension is also proposed which is to be used for storage.

2. RECOMMENDATION

- 2.1 Grant planning permission subject to the conditions and reasons set out in the

3. BACKGROUND

a) Site Description

- 3.1 The application site is located on the east side of Stoats Nest Road and backs onto Hartley Down, within a parade of 7 shops and is currently occupied by a 2 storey property comprising a shop at ground floor and residential accommodation above.
- 3.2 The site lies within a designated parade of shops as indicated in the Replacement Unitary Development Plan. These existing premises comprise the following shops; Fish and Chips, Food and Wine, Hair a Beauty, DIY, Balloons and Antiques.
- 3.3 The surrounding area is residential in character.

b) Planning History

- 3.4 06/1874/P for the change of use to Class A5 (hot food takeaway) including disabled access ramp and external ducting to the rear was refused in July 2006 on the grounds of detrimental impacts by way of loss of amenity to the residential premises above, given the location of the extract ducting.

c) Proposal

- 3.5 Full planning permission is sought for the change of use of the existing shop to Class A5 (hot food takeaway).
- 3.6 A single storey rear extension is also proposed to the rear with a footprint of 1.5m x 3.3m with a height of 2.5m. This structure would have a flat roof and be attached to the side of the existing single storey rear element and is to be used for storage.

4. PLANNING POLICIES

- 4.1 The relevant policies of the Unitary Development Plan (referred to as the Croydon Plan) adopted on 13 July 2006 which impact upon the proposal are SP3, SP10, UD2, UD8, EP1 (Pollution), SP23, and SH6 (Parades and Convenience Shops).

5. CONSULTATIONS

- 5.1 Fourteen (14) adjoining and nearby owners/occupiers have been notified in writing of the application; twenty two (27) letters of representation have been received, 20 of which were based on a template so allow residents to “fill in the blanks”. The letters raise the following points:

- smells
- drainage

- waste disposal
- oversupply of hot food takeaways
- young person's 'hang out'
- litter
- parking
- extension providing easy access for burglars to flat above

5.2 The application was also referred to Environmental Health for observations. The following comments were received.

Environmental Health & Trading Standards

No objections subject to conditions relating to anti-vibration mounts being installed in the ducting system and sound insulation being provided due to the residential use above.

5.3 Councillor Udell has referred the application to the Planning Committee stating the reasons for the referral being proliferation of noise, litter, smells and that there is already one takeaway in the small parade of shops.

6. CONSIDERATIONS

6.1 The principal planning considerations are:

- 1) Whether the proposal is in accordance with Policy SH6 of the Adopted Draft UDP (The Croydon Plan)
- 2) Whether the proposal would have any impacts on neighbouring properties
- 3) Whether the proposal is in keeping with the character of the surrounding area

Policy SH6 (Parades and Convenience Shops)

6.2 Policy SH6 states that upon assessment of applications for the change of use away from class A1 uses, the concentration of non A1 uses that would result must not exceed 50% within a parade of shops or more than 2 non-A1 uses in adjoining premises. The proposal would mean that 3 out of 7 shops within the parade would be non A1 uses (two of which being food shops) and premises on either side are A1 uses. The proposal therefore complies with this policy.

Impacts on surrounding occupiers

6.3 The previous application was refused based on the location of the external exhaust ducting which was to be attached to the rear wall and rear roofslope with the outlet being in close proximity to existing velux roof windows. The position of this ducting was considered to be detrimental to the amenities of the occupiers of the residential property directly above by way of noise and smells. The proposal now incorporates ducting through the existing chimney, which is considered to be the best possible location. The main series of ducting will therefore not be visible from any public place, and it will allow any smells to be freely carried away into the atmosphere at a higher level with as little direct effect on surrounding occupiers as possible. Environmental Health & Trading Standards raise no objection to this proposal. Furthermore, the provision of ducting via an existing chimney is the best possible solution in visual terms.

- 6.4 The proposed rear extension is to be attached to the side of the existing kitchen and WC and main rear wall of the existing property and be located approximately 1.2m from the side boundary. There are to be no encroachments over the existing rear footpath which services the flat above. The floor area would be 4.95m² and the structure would have a flat roof. It is not considered that the proposed rear extension will have any detrimental impacts on surrounding properties by way of loss of light, outlook or amenity and is considered acceptable in its current form.

Character of Surrounding Area

- 6.5 The proposal is for a use which accords with Policy SH6 of The Croydon Plan and given the topography of the site, only the stop half of the proposed rear extension would be visible from Hartely Down. The proposal is therefore considered in keeping with the character of the surrounding area.

7. ENVIRONMENTAL CONSIDERATIONS

- 7.1 There are no other environmental considerations arising from this proposal over and above those referred to in Section 6 of this report.

8. EQUALITIES CONSIDERATIONS

- 8.1 No changes are proposed to the existing shopfront, which currently has stepped access into the premises. Given the site includes some forecourt, It would be possible for disabled access to be provided if required.

Report Author: Andrew Beattie

Background Documents: 27 letters of representation from local occupiers/residents
Referral letter from Cllr. Udell;

Contact Officer: Philip Mills Tel 020 8760 5419