

Agenda Item: 6.3

06/04620/P

07/11/2006

Norbury

Application for full planning permission

Agent:

Nicola Lane-Gardner
Lawrence Beckingham Field
The Sail Loft
Limehouse Court
3-11 Dod Street London
E14 7EQ

Applicant:

JD Wetherspoon Plc
Wetherspoon House
Central Park
Reeds Crescent Watford, Herts
WD1 1QH

Location: 1327 London Road, Norbury, London, SW16 4AU

Description: Formation of outside drinking area to include awning and perimeter balustrading fronting London Road

Drawing No(s): 2006/015(M)/001 & 2006/015(M)/002

Recommendation: **Grant Permission**

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

1. No works on site shall commence until details of the balustrading around the drinking area have been submitted to and approved by the Local Planning Authority in writing. The development shall only be implemented in accordance with such approved details.
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)
2. No amplified speech, broadcasts or music shall be played within the area designated for use as an outdoor drinking area
Reason: To protect the amenities of adjoining occupiers
3. 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:-

- . The Croydon Replacement Unitary Development Plan (the Croydon Plan) SP2, SP3, SP10, SP23, UD3, EP1, SH1 & Supplementary Planning Guidance Note 1 – Shopfronts & Signs (SPG1)

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

- . (a) the appearance of the development in the street scene

- (b) the character of the development in the surrounding area
 - (c) the impact on the amenities of the occupiers of adjacent and nearby properties
 - (d) the safety and security of buildings and the spaces around them
 - (e) accessibility to buildings
 - (f) the shopping policies of the development plan
 - (g) the urban design policies of the development plan
 - (h) the environmental protection policies of the development plan
- and having regard to all other matters raised.

Ward: Norbury
Lead Officer: Head of Planning Control

PLANNING COMMITTEE
25 January 2006

Application Number: 06/4620/P - 1327 London Road, Norbury.

1. SUMMARY

- 1.1 Full application for :
- Formation of outside drinking area to include awning and perimeter balustrading fronting London Road

2. RECOMMENDATION

- 2.1 Grant: subject to the conditions and reasons set out in the Agenda.
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3. BACKGROUND

3.1 Site Description

- Front half of site occupied by "Moon Under the Water" Wetherspoons Pub, a double storey building
- Area of works currently a flower bed and access ramp
- Rear of site occupied by parking area
- Overall site area is 0.18 acres (0.075 hectares).

3.2 Surrounding Area

- Uses – Mixed. Norbury Fire Station to the south on London Road. London Road predominantly commercial ground floors with residential upper levels. Site located opposite 1270 London Road which is a large office building. Properties along Northborough Avenue are largely residential in character
- Form – Mixed. Commercial terraces along London Road as well as some larger newer developments. Northborough Avenue mostly 2 storey
- Nearest residential property at first and second floor level 1329 London Road adjoins the application building
- Other nearest properties and the separation distances between them and the area of proposed works are:
 - 1341 London Road – 25 metres

- 1 Northborough Road – 35 metres
- 2 Northborough Road – 45 metres
- 1270 London Road (office building) – 40 metres

3.3 Designations

- Area of high density
- Archaeological priority zone
- London Road (TFL Road)
- Primary shopping area
- Norbury Town Centre

3.4 Relevant history

93/0002/P – Planning permission granted for alterations and use of the ground floor as a public house with managers residential accommodation at first floor level; installation of shopfront and external ducting

98/1675/P – Planning permission was refused for alterations and provision of a beer garden at the rear (fronting Northborough Road), including a pergola. The reasons for refusal were:

- The development would be detrimental to the amenities of the occupiers of adjoining properties by reason of noise and general disturbance and would thereby conflict with policies SP13 and EP11 of the Unitary Development Plan;
- The development would result in the loss of existing off street parking facilities, resulting in increased pressure on nearby streets and would thereby conflict with policy T6 of the Unitary Development Plan.

05/2640/LIC – In July 2005 the Head of Planning Control objected to an application to vary the licence at the premises, under the Licensing Act 2003, for the following reason:

- The opening of the premises until 3:00am on up to 12 unspecified dates per calendar year would be likely to result in an unreasonable level of disturbance to nearby residents and would thereby conflict with Policy EP11 of the Croydon Replacement Unitary Development Plan (the Croydon Plan)

The licence application was subsequently amended to take this objection into account and accordingly was granted by the Licensing Panel with the same extended opening hours which were subject to the planning application approved under 05/4441/P (see below)

05/4441/P - Planning permission granted by the Planning Committee on 22/6/2006 for the continued use as a public house (without compliance with condition 1 – hours of use – attached to planning permission 93/1777/P). A condition was attached regarding the opening times of the pub. These are as follows:

- The application premises shall not be used except:-
 - (1) between 0700 hours and 0030 hours Mondays to Sundays
 - (2) between 0900 hours and 0230 hours Christmas Eve to 25 December
 - (3) between 0900 hours and 0230 hours Boxing Day to 27

December

- (4) between the end of the permitted hours on New Years Eve to the start of the permitted hours on 1 January
- (5) between 0700 hours and 0130 hours on:-

- (a) 25 January
- (b) 26 January
- (c) 1 March
- (d) 17 March
- (e) Maundy Thursday
- (f) 23 April
- (g) 30 November
- (h) Each Sunday immediately preceding a Bank Holiday

3.5 Proposal

Full permission is sought for:

- Formation of outside drinking area on the London Road frontage;
- Removal of existing access ramp and flower bed; provision of a new raised terrace area and provision of tables and chairs;
- New balustrade of 1m in height proposed;
- Drinking area 18 square metres;
- Seven tables shown on the plans;
- Retractable awning also proposed.

4 PLANNING POLICIES:

- The Croydon Replacement Unitary Development Plan (the Croydon Plan) SP2, SP3, SP10, SP23, UD3, EP1, SH1 & Supplementary Planning Guidance Note 1 – Shopfronts & Signs (SPG1)

5. CONSULTATIONS

5.1 16 nearby and adjacent occupiers notified. One individual letter and a further identically worded letter has been received from 91 nearby residents has been received, objecting to the development on the following grounds:

1. Detrimental effect on community
2. Level of noise from beer garden
3. Full impact of recently granted late license on residents is yet to be fully established

4. Disturbance from cars, mobile phones, late night revelers, fighting and shouting

Members referral

A referral has been received from Councillor Maggie Mansell. The reasons for referral are as follows:

1. The pub is in a densely populated area. Northborough Road is high density Council Housing. Opposite are new flats. And there are flats over the shops on London Road.
2. I receive reports of night time nuisance. There is a late license, issued in defiance of local residents' opinion. People complain about noise of patrons leaving at 3:30am, which is much later than allowed.
3. Complaints have been made about the management of empties and rubbish, being badly stored and available for patrons to use as weapons.
4. Outdoor drinking is fine in a location which will not impinge on neighbours. It must be well managed. The location is too close to residences. For the reasons above there is no reason to suppose that outdoor drinking will be well managed.

6. CONSIDERATIONS

Use policies

- 6.1 The application site is located within the Norbury Town Centre, a primary shopping area and a secondary retail frontage. Public Houses are an A5 use and as such are an anticipated feature of these areas.

Streetscape issues

- 6.2 The application has been assessed against the Urban Design policies of the Croydon Plan which seek to ensure that developments are of a high standard of design, which compliments nearby buildings and activities, and that it protects and enhances the quality of the Borough's environment.
- 6.3 There is currently a flower bed and access ramp at the front of the building. These are to be removed and replaced by the raised terrace and balustrade. Whilst it is recognised that the terrace and awning (when open) will project slightly (by a distance of approximately 2m) beyond the main building line along London Road it is not considered that it will be visually intrusive or have an impact on the amenity of the streetscene. In regards to the proposed design of the balustrading it is considered to be in-keeping with the existing building and the surrounding area. However a condition is suggested requiring further details to be provided for approval.

Noise/disturbance issues

- 6.4 As the proposal would result in the formation of an outdoor drinking area there is the potential for noise to be generated. The Moon Under Water public house is located on a busy main road where levels of evening activity and noise are much greater than what would normally be expected in a wholly residential area.
- 6.5 It is therefore considered that any noise generated by the use of the terrace as a drinking area would be barely discernible from the ambient noise levels along London Road, which according to the Scientific Officer are an average of 80 decibels. The Scientific Officer has also confirmed that no complaints have been received relating to noise generated from the Moon Under Water public house.
- 6.6 It is recognised that there are a number of residential properties in the vicinity of the subject site. Due to the large separation distances and the ambient noise levels on London Road, the vast majority of these will be unaffected by any noise which may be generated by the use of an outdoor drinking area fronting London Road. The nearest residential property is on the upper floors of the neighbouring property to the north at 1329 London Road. However, a condition should be attached to any grant of permission preventing the use of any amplified speech, music of broadcast in the outside area.

Security issues

- 6.7 As part of the premises licensing approval the Moon Under Water public house has to adopt a "Responsible Drinks Retailing Policy" the provisions of which include CCTV a high staff to customer ratio and a strong management presence during the closing time period and front of staff house on the premises at all times. It is not considered that the use of the proposed outdoor terrace drinking will generated any new safety or security issues, such as to warrant a refusal of planning permission

7. ENVIRONMENTAL CONSIDERATIONS

- 7.1 The proposal does not trigger the sustainability policies of the Croydon Plan. There are no environmental concerns from the proposed development.

8. EQUALITIES CONSIDERATIONS

- 8.1 Whilst the existing access ramp at the front of the building is to be removed the plan states that disabled access would still be provided at the rear of the building, via the carpark, through an existing entrance for customers.

Case Officer: Chris Werren

Background Documents: 1 individual letter and a petition of 91 letters from local residents
Members referral from Councillor Maggie Mansell

Contact Officer: Mr. P. Mills 020 8760 5419