

**PART 6: Planning Applications for Decision****Item 6.3****1 SUMMARY OF APPLICATION DETAILS**

Ref: 18/03780/FUL  
Location: 836 - 838 London Road, Thornton Heath, CR7 7PA  
Ward: West Thornton  
Description: Alterations and erection of a part first floor, part second floor rear extension to create a home of multiple occupation, consisting of 10 rooms, in conjunction with ground floor rear extension approved under planning reference: 16/01475/P  
Drawing Nos: RSD2202-500 Rev C and RSD2202-001  
Applicant: Equity Asset Management Ltd  
Agent: R S Designs  
Case Officer: Katy Marks

- 1.1 This application is being reported to committee because the ward councillor Stuart King has made representations in accordance with the Committee Consideration Criteria and requested committee consideration.

**2 RECOMMENDATION**

- 2.1 That the 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) Development to be carried out in accordance with the approved drawings and reports except where specified by conditions
- 2) External materials, including details of front doors and shopfront to be submitted for approval
- 3) Management Plan, including waste and recycling management, to be submitted for approval
- 4) HMO restricted to no more than 16 residents
- 5) Restaurant use restricted to A3 use
- 6) Restaurant use restriction to opening hours
- 7) Flat roof of ground floor extension not to be used as a terrace
- 8) Noise restrictions for plant equipment
- 9) Construction logistics plan
- 10) In accordance with the approved plans
- 11) Commencement of development within three years of consent being granted
- 12) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport

**Informatives**

- 1) CIL liability

- 2) Any other informative(s) considered necessary by the Director of Planning and Strategic Transport

### **3 PROPOSAL AND LOCATION DETAILS**

#### **Proposal**

3.1 The proposal comprises the following:

- Use of the upper floors of the building as a 10 bedroom House of Multiple Occupation (HMO).
- Alterations to the front elevation to provide a residential access from the shop frontage
- Erection of a part single storey, part two storey rear extension to the building
- Use of the ground floor as restaurant use
- Installation of extraction flue to the rear

3.2 The majority of these proposals were granted permission under permission 16/01475/P. The use of the ground floor, the footprint of the rear extensions and the position of the proposed extraction flue were all approved under this extant permission. The main considerations for this application are therefore:

- The proposed changes to the shop front and internal floorplan of the ground floor
- The proposed change of use to the upper floors of the building as a 10 bedroom HMO.

#### **Site and Surroundings**

3.3 The application site is located on the north eastern side of London Road and was most recently in A1 use at ground floor, with ancillary residential accommodation to the upper floors. The site falls within a main retail frontage, a Local Centre, a Primary Shopping Area and an Archaeological Priority Zone. The surrounding area is characterised by terraces of commercial units at ground floor level, with residential uses on the upper levels above. There are blocks of offices and flats on the opposite side of London Road. The applicant has begun building out the previous scheme (granted permission under ref: 16/01475/P) and an application for the approval of the planning conditions associated with this permission is being considered by officers.

#### **Planning History**

3.4 18/00515/FUL – Permission refused for proposed part first floor part second floor rear extension to create a home of multiple occupation, consisting of 10 rooms, in conjunction with ground floor extension approved under planning reference: 14/04233/P. The application was refused for the following reasons:

- The development would result in sub-standard accommodation by reason of the internal layout, limited communal facilities and waste and poorly located recycling arrangements

3.5 16/01475/P – Permission granted for Use for purposes within class A3/A5 (restaurant/hot food take away); erection of single/two/three storey rear extension; provision of air conditioning units at rear; installation of new shopfront and access door

to upper levels; use of first and second floors as 2 two bedroom and 2no. one bedroom flats.

3.6 15/04467/P – Permission refused for Use for purposes within class A3/A5 (restaurant/hot food take away); erection of single/two/three storey rear extension; provision of air conditioning units at rear; installation of new shopfront and access door to upper levels; use of first and second floors as 3no. two bedroom and 2no. one bedroom flats. This was refused due to the following reasons:

- The proposed development would result in harm to the character of the building and the surrounding area, by reason of dominance, siting, design and appearance
- The proposed development would be detrimental to the amenities of the occupiers of adjoining property by reason of its size and siting resulting in visual intrusion and a loss of privacy
- The proposal has provided insufficient details regarding the siting and design of the extract ducting and fails to demonstrate that the amenity of neighbouring occupiers will be adequately preserved
- The proposal provides an unsatisfactory residential environment for future occupants by reason of poor levels of outlook and a lack of privacy

3.7 14/04233/P – Permission granted for Use for purposes within class A3/A5 (restaurant/hot food take away); erection of single storey rear extension and creation of new basement level; provision of extract ducting and air conditioning units at rear; provision of refuse store at rear; installation of new shopfront and access door to upper levels

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

4.1 An HMO is considered acceptable at this location given it's accessibility within a Local Centre and public transport connections. The HMO has been designed to meet HMO guidance. Suitable waste management arrangements have been provided within the footprint of the building. The principle of the proposed extensions was considered acceptable under the previous application.

4.2 There would be no undue harm to the residential amenities of adjoining occupiers

4.3 The living standards of future occupiers are acceptable and compliant with the Local Plan and HMO guidance.

#### **5 CONSULTATION RESPONSE**

5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

5.2 Letters were sent to adjoining occupiers to advertise the application. The number of representations received from neighbours, local groups etc. in response to notification and publicity of the application were as follows:

No of individual responses: 3      Objecting: 3    Supporting: 0      Comment: 0

Petition: 1      No. signatures: 9

5.3 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:

<b>Summary of objections</b>	<b>Response</b>
<i>Use</i>	
Inappropriate change of use from family homes to HMO	The site is currently vacant and the most recent use of the upper floors was not family accommodation but as ancillary residential accommodation for the owners of the commercial unit.
Poor quality accommodation due to size, outlook and privacy, number of people and facilities provided; Overcrowding and overdevelopment	See para 7.12 - 7.13
Does not deliver affordable housing	Only schemes of 10 or more self-contained properties are required to secure affordable housing. It does not apply to HMO accommodation.
<i>Design</i>	
Out of character with the area, not respect local context or street pattern; oversized windows	See para 7.4 - 7.7
<i>Impact on neighbours</i>	
Noise	See para 7.10
Overlooking from rear windows, balcony and potential to use roof as balcony	The use of the ground floor flat roof would be controlled by condition so that it is not used as a balcony; the balconies mentioned in the application would be 'Juliet' balconies which would not provide external access
Air conditioning and extract ducting would cause noise and smell for neighbours	The plant was approved under the 2016 application. The extract ducting has been designed to ensure that odours from the restaurant would emit above the nearest residential units; a condition is included to restrict the noise of any plant equipment
The opening hours for the restaurant have been increased since the previous application	The opening hours would be secured by condition; it is recommended that these should be retained as previously approved (see para 7.11)
<i>Other</i>	
Refuse problems	See para 7.14 - 7.15
No provision of cycle storage	See para 7.17
Lack of parking on site or in area	See para 7.16
Concern about construction vehicles and noise and disruption	A construction logistics plan could be secured by condition
<i>Non-material issues</i>	
Concerns raised about the impact of excavation work upon the stability of existing structures	Not a material planning consideration. This should be addressed through building regulations and associated legislation

Concerns about type of people who might occupy the HMO	Not a material planning consideration.
<i>Procedural issues</i>	
Procedural question about reference to permission 14/04233/P which has expired	This has been corrected to refer to the 2016 permission

5.4 Councillor Stuart King objected to the proposals and referred it to Committee for the following reasons:

- The proposal will have an adverse impact in particular on refuse collection and car parking in the immediate area. The development would result in sub-standard accommodation by reason of the internal layout, limited communal facilities and waste and poorly located recycling arrangements
- Waste management: the proposed arrangements are woefully inadequate [Officer's comment: Amendments have been received which improve the waste and recycling provision and a waste management plan would be secured by condition]
- The application would not provide sufficient facilities for the occupants and this would result in poor standard living accommodation [Officer's comment: The scheme complies with the Housing Act; the layouts would be acceptable for the purposes of an HMO licence]
- No details have been provided for cycle parking. Cycle parking must be provided in line with London Plan standards. [Officer's comment: The lack of cycle parking for the approved flatted scheme was considered acceptable given the constraints of the site].

## 6 RELEVANT PLANNING POLICIES AND GUIDANCE

6.1 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 Consolidated London Plan 2015, the Croydon Local Plan 2018 (CLP) and the South London Waste Plan 2012.

6.2 Government Guidance is contained in the National Planning Policy Framework (NPPF), revised in July 2018. 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, including requiring good design that takes the opportunities available for improving the character and quality of an area and the way it functions.

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

### Consolidated London Plan 2015 (LP):

- 3.5 - Quality and design of housing developments
- 6.13 - Parking
- 7.4 - Local Character

- 7.6 - Architecture

#### Croydon Local Plan 2018 (CLP):

- SP2 - Homes
- SP6.3 - Sustainable Design and Construction
- DM1 - Housing choice for sustainable communities
- DM10 - Design and character
- DM13 - Refuse and recycling
- DM23 - Development and construction
- DM29 - Promoting sustainable travel and reducing congestion
- DM30 - Car and cycle parking in new development

## **7 MATERIAL PLANNING CONSIDERATIONS**

7.1 The main planning issues raised by the application that the committee must consider are:

1. Principle of development
2. Townscape and visual impact
3. Residential amenity of adjoining occupiers
4. Residential amenity of future occupiers
5. Highways and transport
6. Environment and sustainability
7. Trees and landscaping

### **Principle of development**

7.2 The principle of residential accommodation above the ground floor commercial use is acceptable. A flatted scheme has previously been approved on the site. The Local Plan seeks to ensure that a choice of homes are available in the borough that will address the borough's need for homes of different sizes. The London Plan (policy 3.8 and supporting text at paragraph 3.55) also suggests that houses in multiple occupation play a strategically important part of London's housing offer, meeting distinct needs and reducing pressure on other elements of the housing stock. The principle of a house in multiple occupation is considered acceptable subject to the considerations below.

7.3 The proposed change of use of the ground floor unit (to restaurant) has been approved under the previous scheme and is therefore considered acceptable.

### **Townscape and visual impact**

7.4 Planning Permission was granted in 2016 included a part single, part two storey, part three storey extension. The footprint and design of the current proposals are exactly the same as the extant permission. The extant permission confirmed that the extensions, due to their stepped nature would not dominate the host 3 storey building and the siting of the property in the middle of the terrace would ensure that the proposed extension would not appear over dominant from within Colliers Water Lane or Dovecourt Avenue. Overall, it was not considered to result in undue harm to the character of the local area. The proposed extract flue to the rear of the site was considered to be a common feature to the rear of properties along the terrace and was therefore considered acceptable.

- 7.5 The changes in policy since the date of the extant permission and the circumstances of the site have not changed significantly. The proposed extensions to the rear of the site are therefore still considered acceptable.
- 7.6 Changes are proposed to the front of the site which would be minimal. They would reduce the width of the commercial frontage to enable the HMO to be accessed from the front of the site and to provide sufficient width to allow occupiers access through the building to the rear of the building where a secure bin store would be provided. The proposed alterations would have a small impact upon the size of the restaurant frontage. It would not have a significant impact upon the appearance of the shopfront which has been amended to accommodate the widened residential access. The design of the access doors for the HMO must be well designed to ensure that they present a high quality appearance within the shopfront and continue to provide a partially active frontage.



Figure 1: Proposed Front Elevation

- 7.7 The shop front changes are considered acceptable with the residential frontage well balanced with the proposed shop frontage. A condition is recommended to ensure that high quality materials are used for the shopfront and doors.

### **Residential amenity of adjoining occupiers**

- 7.8 The built form of the development would not have a significant impact upon neighbours. The neighbours on either side are retail at ground floor at first floor and above, the extensions would be set in from the boundaries from these neighbours and would therefore not harm the living conditions of any residential neighbours to either side.
- 7.9 To the rear, there would be a separation distance of at least 20m between the first and second floor rear windows and windows at first floor to the properties in Dovecourt Avenue. There would also be at least 10m between the proposed upper floor rear windows and the rear garden boundaries of these properties. These distances are

considered acceptable to ensure that there would be no overlooking, loss of privacy or visual intrusion for these neighbours.

- 7.10 The proposed use as a 10 bedroom house in multiple occupation may give rise to a higher number of occupants than the extant scheme (4 flats). This could result in more noise and additional activity. However, the site is located along London Road where the ground floor is mostly in commercial use and therefore the HMO use is unlikely to give rise to harmful noise or disturbance. Given the distances between the site and the properties to the rear, it is not considered that the development would give rise to significant noise or disturbance to these neighbours. A condition is recommended to ensure that the occupiers of the HMO do not use the flat roof of the ground floor extension as a terrace to reduce any potential for disturbance and overlooking to the neighbours to the rear of the site.
- 7.11 It is noted that the application seeks additional opening hours for the restaurant at ground floor. The hours requested are 8am – midnight Monday to Friday and Sundays/bank holidays and 8am to 1am on Saturdays. In order to ensure that the use does not result in harm to the residential amenity of occupiers within the building or neighbours, it is recommended that the previously agreed opening hours are retained – thus they would be 8am – 11pm Monday to Friday etc and 8am – midnight on Saturdays. This would be secured by condition.

### **Residential amenity of future occupiers**

- 7.12 The proposed HMO would provide 10 bedrooms each with their own on-suite shower room facilities. There would be two kitchens on each floor. The rooms would all meet the Council's standards set out in House in Multiple Occupation guidance which states that for a single occupancy rooms must be at least 12.5sqm and for double 17.5sqm (including en-suite). The HMO would provide 6 double rooms and 4 single rooms meaning that a maximum of 16 people may live in the property at any one time. The Council's HMO team have requested that the maximum number of occupants be secured by condition and they would seek to restrict any HMO licence to no more than this number. The applicant has worked with the Council's HMO team, in terms of the proposed internal layouts and number of kitchen facilities, to ensure that the proposed use would comply with the HMO standards required in order to obtain an HMO licence.
- 7.13 There is no requirement to provide external amenity space for a HMO but the internal shared amenity space meets the Council's HMO guidance. The site is located within a local centre with associated facilities. There are several parks and leisure facilities within close proximity to the site. The proposed layout is considered to provide a suitable standard of accommodation.
- 7.14 The proposals have been amended to include waste and recycling facilities to the rear of the site. Originally, the proposals included a bin store to the front of the building as the main waste collection takes place from the pavement on London Road. However, concerns were raised about the impact this would have on the amenity and access of London Road. The applicant has therefore amended the scheme to provide waste and recycling store to the rear which would be accessible from the upper floors via a shared passageway at ground floor. There would also be waste and recycling space within each kitchen. The applicant is proposing to use a private waste collection company to collect the waste and recycling from the bin store to the rear of the site.

7.15 The proposed waste arrangements are considered acceptable. However, given the number of people that are proposed to live within the HMO, it is highly important to ensure that the waste and recycling will be properly managed by a management company. The waste management needs to include management of the collection arrangements but also building management to ensure that waste from the kitchens is regularly removed from the kitchens and stored within the shared bin store until collection day. It is recommended that a detailed management plan for the overall management of the site and the waste and recycling is secured by condition.

### **Highways and parking**

7.16 The location for the proposed development has a PTAL level of 3, which indicates a moderate level of accessibility to public transport links. The site is however located within the Thornton Heath Ponds Local Centre. London Road is a main arterial bus route through the borough with good links to Croydon Metropolitan Centre and Thornton Heath District Centre. Given the location, it is not considered that the use would result in a significant impact upon on street parking in the area and the lack of parking for the site is considered acceptable.

7.17 No cycle parking is proposed for the site. The previous planning permission accepted this position due to the constraints of the site. At ground floor, the footprint of the building extends to cover the entire site and it would therefore not be possible to provide any cycle parking externally. The provision of a cycle store at ground floor (for 10 cycles) would result in loss of more restaurant floor space which would reduce the functionality and viability of this important Local Centre use. It is not considered practical to expect cycle storage to be provided at the upper floors as it would not be manageable for most residents to lift cycles up the stairs. Given the accessibility of the site by public transport and its location within a Local Centre, it is not considered that the lack of cycle parking would be so detrimental to the promotion of sustainable transport that it would result in significant harm and would warrant a reason for refusal.

### **Environment and sustainability**

7.18 The site is located within an area which has low risk of surface water flooding. Whilst it is recommended that sustainable drainage systems should be incorporated into sites to improve surface water drainage, it is acknowledged that there is limited scope for this as the development would cover the site. Despite this, a flood risk assessment has been submitted which confirms that the scheme would not give rise to additional surface water flood risk.

### **Conclusions**

7.19 It is recommended that planning permission should be granted for the proposal, as it would be acceptable in all respects, subject to conditions.

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