

PART 5: Planning Applications for Decision**Item 5.1**

1 SUMMARY OF APPLICATION DETAILS

Ref: 20/00067/FUL
Location: 7 Brook Road, Thornton Heath, CR7 7RD
Ward: Bensham Manor
Description: Change of use from 6 person house in multiple occupation (C4) to an 8 person house in multiple occupation (sui generis) with refuse and cycle storage
Drawing Nos: Block/Site Plan, Existing Use, Proposed Use, Location of Proposed Secure Cycle Storage and Refuse Storage Boxes, Location Plan,
Applicant: Mr Roland Symonds
Agent: Mr Roland Symonds
Case Officer: Victoria Bates

- 1.1 This application is being reported to committee because the ward Councillors Alison Butler and James Audsley have made representations in accordance with the Committee Consideration Criteria and requested committee consideration and 29 representations were received within the consultation period.

2 RECOMMENDATION

- 2.1 That the Committee resolve to GRANT planning permission subject to a legal agreement to prevent the occupiers from obtaining parking permits.
- 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) Commencement of development within three years of consent being granted
- 2) Development to be carried out in accordance with the approved drawings and reports except where specified by conditions
- 3) Management Plan, including waste and recycling management, to be submitted for approval
- 4) Provision of cycle storage
- 5) HMO restricted to no more than 8 residents
- 6) In accordance with the approved plans
- 7) Commencement of development within three years of consent being granted
- 8) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport

Informatives

- 1) 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 building as an 8 bedroom House of Multiple Occupation (HMO).

Site and Surroundings

3.2 The application site comprises a semi-detached property which benefits from a roof extension and two single storey rear extensions and is located on the western side of Brook Road. The surrounding area is residential in character and comprises of semi-detached properties. The site is a short distance from Brigstock Road which forms part of the Thornton Heath District Centre and Primary Shopping Area.

Planning History

3.2 None

4 SUMMARY OF KEY REASONS FOR RECOMMENDATION

4.1 An HMO is considered acceptable at this location given its 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 site.

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 in response to notification and publicity of the application were as follows:

No of individual responses: 29 Objecting: 29 Supporting: 0 Comment: 0

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:

Summary of objections	Response
<i>Use</i>	
Loss of family home	See para 7.2-7.5
Poor quality accommodation due to size, outlook and privacy, number of people and facilities	See para 7.8

provided; Overcrowding and overdevelopment	
<i>Impact on neighbours</i>	
Noise	See para 7.7
<i>Other</i>	
Refuse problems	See para 7.11
No provision of cycle storage	See para 7.10
Lack of parking on site or in area	See para 7.9
<i>Non-material issues</i>	
Concerns about type of people who might occupy the HMO	Not a material planning consideration.
Impact on surrounding property values	Not a material planning consideration.
<i>Procedural issues</i>	
Misleading information- the Planning Statement claims that the property was in use as a 6 person HMO and tenanted	Although at the time of submission, the property was not in use as an HMO, however it was occupied before 28 th January which was when the Article 4 Direction came into place

5.4 Councillor Audsley and Butler objected to the proposals and referred it to Committee for the following reasons:

- Loss of a family home

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. Refuse

Principle of development

- 7.2 Paragraph 59 of the 2018 National Planning Policy Framework (NPPF) states that *“to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”*
- 7.3 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.
- 7.4 Policy DM1.2 of the Croydon Plan seeks to protect residential dwellings from conversion where they have a floor space of less than 130sqm or 3 bedrooms as originally built. In this case the property has an internal floor area of 116sqm and was a 3 bedroom dwelling as originally built. However, prior to the 28th January 2020 when an Article 4 Direction came in to place it was possible to convert such a property from a single family dwelling house (C3 use) to a Small Houses in Multiple Occupation with 3- 6 occupants (C4 use) without the benefit of planning permission. The introduction of the Article 4 Direction essentially means that from the 28th January 2020 such a change of use would require planning permission and would no longer be classed as permitted development. In order for such a change of use to be classed as Permitted Development it was necessary for the use to commence before midnight on the 27th January 2020.
- 7.5 The applicant has provided evidence in the form of tenancy agreements to demonstrate that the property was converted to a small HMO on the 20th January under permitted development. In addition to this the Planning Officer also visited the property

on the 28th January and witnessed the property in HMO (C4 use). The property can therefore no longer be classed as a small family dwellinghouse and therefore, the conversion of the small HMO to a large HMO would not result in the loss of a small family home and is acceptable in principle.

Townscape and visual impact

- 7.6 There are no new extensions to the building proposed as part of this application. The application does however propose that refuse storage facilities would be provided in the front garden area of the property. Further consideration of the point is detailed below. However these matters can be secured by way of a condition.

Residential amenity of adjoining occupiers

- 7.7 Officers have established that the building has lawfully been altered to be used as a 6 person HMO. The proposal would result in 2 extra bedrooms being provided and the current application seeks to increase the maximum number of residents from 6 to 8. The additional bedrooms and persons on the site is therefore relatively modest. HMOs are essentially a residential use, and it is not considered that two additional residents would generate significant levels of noise and disturbance to the extent which could warrant refusal of planning permission

Residential amenity of future occupiers

- 7.8 The HMO would provide 1 kitchen/living area at ground floor level. All rooms have their own ensuite bathroom. The size of the rooms and facilities available have been considered by the HMO Team and they conclude that the layout and room sizes are acceptable to serve the future occupants. There is no requirement to provide external amenity space for a HMO but the property has a good sized garden to the rear which will provide amenity space.



Highways and parking

- 7.9 The location for the proposed development has a PTAL level of 4, which indicates a good level of accessibility to public transport links. This is because the site is within walking distance (3 minutes walk) to Thornton Heath National Rail station and bus services along Brigstock Road. The site is within a Controlled Parking Zone (CPZ) and as such, a legal agreement would be put in place to prevent tenants applying for a permit. Given the location and CPZ, 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.
- 7.10 One cycle parking space is proposed for each occupant. The store is to the rear in a safe, convenient and accessible location, in accordance with London Plan Policy 6.9. This can be secured by way of a Condition.

Refuse

- 7.11 Refuse would be stored in the front garden area within timber stores. The refuse stores would be checked weekly by the applicant, cleaner and gardener to ensure that refuse is being stored correctly. DM13 of the Croydon Local Plan states that refuse facilities should be visually screened and behind the building line. Although the bins would not be behind the building line, it would be screened within a timber store, behind the front boundary fence which is deemed an acceptable arrangement.

Conclusions

- 7.12 It is recommended that planning permission should be granted for the proposal, as it would be acceptable in all respects, subject to conditions.
- 7.13 All other relevant policies and considerations, including equalities, have been taken into account.