

Planning Sub-Committee Agenda



To: Councillor Muhammad Ali (Chair)
Councillor Paul Scott (Vice-Chair)
Councillors Toni Letts, Chris Clark, Joy Prince, Sherwan Chowdhury,
Jason Perry, Scott Roche, Gareth Streeter and Ian Parker

A meeting of the **Planning Sub-Committee** which you are hereby summoned to attend, will be held on **Thursday, 12 March 2020 at 6.00 pm in Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX**

JACQUELINE HARRIS BAKER
Council Solicitor and Monitoring Officer
London Borough of Croydon
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Thomas Downs
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www.croydon.gov.uk/meetings
Wednesday, 4 March 2020

Members of the public are welcome to attend this meeting

If you would like to record the meeting, we ask that you read the guidance on the recording of public meetings [here](#) before attending.

To register a request to speak, please either e-mail Democratic.Services@croydon.gov.uk or phone the number above by 4pm on the Tuesday before the meeting.

The agenda papers for all Council meetings are available on the Council website www.croydon.gov.uk/meetings

If you require any assistance, please contact Thomas Downs
020 8726 6000 x86166 as detailed above

AGENDA – PART A

1. Apologies for absence

To receive any apologies for absence from any members of the Committee

2. Minutes of the previous meeting (Pages 5 - 8)

To approve the minutes of the meeting held on Thursday 27 February 2020 as an accurate record.

3. Disclosure of Interest

In accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, Members and co-opted Members of the Council are reminded that it is a requirement to register disclosable pecuniary interests (DPIs) and gifts and hospitality to the value of which exceeds £50 or multiple gifts and/or instances of hospitality with a cumulative value of £50 or more when received from a single donor within a rolling twelve month period. In addition, Members and co-opted Members are reminded that unless their disclosable pecuniary interest is registered on the register of interests or is the subject of a pending notification to the Monitoring Officer, they are required to disclose those disclosable pecuniary interests at the meeting. This should be done by completing the Disclosure of Interest form and handing it to the Democratic Services representative at the start of the meeting. The Chair will then invite Members to make their disclosure orally at the commencement of Agenda item 3. Completed disclosure forms will be provided to the Monitoring Officer for inclusion on the Register of Members' Interests.

4. Urgent Business (if any)

To receive notice of any business not on the agenda which in the opinion of the Chair, by reason of special circumstances, be considered as a matter of urgency.

5. Planning applications for decision (Pages 9 - 12)

To consider the accompanying reports by the Director of Planning & Strategic Transport:

5.1 20/00067/FUL 7 Brook Road, Thornton Heath, CR7 7RD
(Pages 13 - 20)

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

Ward: Bensham Manor

Recommendation: Grant permission

6. Exclusion of the Press & Public

The following motion is to be moved and seconded where it is proposed to exclude the press and public from the remainder of a meeting:

"That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended."

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Planning Sub-Committee

Meeting of Croydon Council's Planning Sub-Committee held on Thursday, 27 February 2020 at 5.30pm in Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX

MINUTES

Present: Councillor Muhammad Ali (Chair);
Councillor Paul Scott (Vice-Chair);
Councillors Toni Letts, Jason Perry and Gareth Streeter

Also Present: Councillor Luke Clancy

PART A

A12/20 **Minutes of the previous meeting**

RESOLVED that the minutes of the meeting held Thursday 6 February 2020 be signed as a correct record.

A13/20 **Disclosure of Interest**

There were no disclosures of a pecuniary interest not already registered.

A14/20 **Urgent Business (if any)**

There was none.

A15/20 **Planning applications for decision**

A16/20 **19/04132/FUL 16 The Chase, Coulsdon, CR5 2EG**

Demolition of single storey side extension and garage, alterations, erection of five bedroom detached house, alterations to existing vehicular access to host property and provision of 2 parking spaces for the host dwelling and 1 parking space for the proposed dwelling with associated cycle and bin/recycling stores.

Ward: Coulsdon Town

The officers presented details of the planning application and officers responded to questions for clarification.

Mr Chris Taylor and Mr Graham Garis spoke against the application.

Referring Ward Member Councillor Luke Clancy spoke against the application.

The Committee deliberated on the application presentation heard before them having heard all the speakers who addressed the Committee, and in turn addressed their view on the matter.

The substantive motion to **APPROVE** the application based on the officer's recommendation was taken to the vote having been proposed by Councillor Letts and seconded by Councillor Scott.

The substantive motion was carried with three Members voting in favour, one Member voting against and one Member abstaining their vote.

The Committee therefore **RESOLVED** to **GRANT** the application for the development of 16 The Chase, Coulsdon, CR5 2EG.

A17/20 **19/04395/HSE 12 Brickwood Road, Croydon CR0 6UL**

Erection of a single storey outbuilding in the rear garden (Retrospective).

Ward: Addiscombe West

The officers presented details of the planning application.

The Committee noted that this item should have been withdrawn from the agenda for officers to determine under delegated authority due to the absence of the referring Ward Councillor. Having discussed the matter, the Committee agreed that as the presentation had been heard and there were objectors in attendance to speak, for the Chair to use his discretion to allow this application to be heard on this occasion. This should not be seen as a precedent.

Mr Nicholas Burrow and Mrs Christine Conibeere spoke against the application.

The Committee deliberated on the application presentation having heard all the speakers who addressed the Committee, and in turn addressed their view on the matter.

The substantive motion to **APPROVE** the application based on the officer's recommendation was taken to the vote having been proposed by Councillor Scott with a condition that the timescale for the rendering to the rear to be done within 3 months, acknowledging this required the neighbour to allow access into their garden. This was seconded by Councillor Letts.

The substantive motion was carried with three Members voting in favour and two Members voting against.

The Committee therefore **RESOLVED** to **GRANT** the application for the development of 12 Brickwood Road, Croydon CR0 6UL.

The meeting ended at 6.20pm

Signed:

Date:

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PLANNING SUB-COMMITTEE AGENDA

PART 5: Planning Applications for Decision

1 INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Planning Committee.
- 1.2 Although the reports are set out in a particular order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a particular application, you need to be at the meeting from the beginning.
- 1.3 Any item that is on the agenda because it has been referred by a Ward Member, GLA Member, MP or Resident Association and none of the person(s)/organisation(s) or their representative(s) have registered their attendance at the Town Hall in accordance with the Council's Constitution (paragraph 3.8 of Part 4K – Planning and Planning Sub-Committee Procedure Rules) the item will be reverted to the Director of Planning to deal with under delegated powers and not be considered by the committee.
- 1.4 The following information and advice applies to all reports in this part of the agenda.

2 MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Committee is required to consider planning applications against the development plan and other material planning considerations.
- 2.2 The development plan is:
 - the London Plan (consolidated with Alterations since 2011)
 - the Croydon Local Plan (February 2018)
 - the South London Waste Plan (March 2012)
- 2.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken. Whilst third party representations are regarded as material planning considerations (assuming that they raise town planning matters) the primary consideration, irrespective of the number of third party representations received, remains the extent to which planning proposals comply with the Development Plan.
- 2.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.

- 2.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 2.6 Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
- 2.7 In accordance with Article 31 of the Development Management Procedure Order 2010, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.
- 2.8 Members are reminded that other areas of legislation covers many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
- **Building Regulations** deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
 - Works within the highway are controlled by **Highways Legislation**.
 - **Environmental Health** covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
 - Works on or close to the boundary are covered by the **Party Wall Act**.
 - **Covenants and private rights** over land are enforced separately from planning and should not be taken into account.

3 **ROLE OF THE COMMITTEE MEMBERS**

- 3.1 The role of Members of the Planning Committee is to make planning decisions on applications presented to the Committee openly, impartially, with sound judgement and for sound planning reasons. In doing so Members should have familiarised themselves with Part 5D of the Council's Constitution 'The Planning Code of Good Practice'. Members should also seek to attend relevant training and briefing sessions organised from time to time for Members.
- 3.2 Members are to exercise their responsibilities with regard to the interests of the London Borough of Croydon as a whole rather than with regard to their particular Ward's interest and issues.

4. **THE ROLE OF THE CHAIR**

- 4.1 The Chair of the Planning Committee is responsible for the good and orderly running of Planning Committee meetings. The Chair aims to ensure, with the assistance of officers where necessary, that the meeting is run in accordance with the provisions set out in the Council's Constitution and particularly Part 4K of the Constitution 'Planning and Planning Sub-Committee Procedure Rules'. The Chair's most visible responsibility is to ensure that the business of the meeting is conducted effectively and efficiently.
- 4.2 The Chair has discretion in the interests of natural justice to vary the public speaking rules where there is good reason to do so and such reasons will be minuted.

- 4.3 The Chair is also charged with ensuring that the general rules of debate are adhered to (e.g. Members should not speak over each other) and that the debate remains centred on relevant planning considerations.
- 4.4 Notwithstanding the fact that the Chair of the Committee has the above responsibilities, it should be noted that the Chair is a full member of the Committee who is able to take part in debates and vote on items in the same way as any other Member of the Committee. This includes the ability to propose or second motions. It also means that the Chair is entitled to express their views in relation to the applications before the Committee in the same way that other Members of the Committee are so entitled and subject to the same rules set out in the Council's constitution and particularly Planning Code of Good Practice.

5. PROVISION OF INFRASTRUCTURE

- 5.1 In accordance with Policy 8.3 of the London Plan (2011) the Mayor of London has introduced a London wide Community Infrastructure Levy (CIL) to fund Crossrail. Similarly, Croydon CIL is now payable. These would be paid on the commencement of the development. Croydon CIL provides an income stream to the Council to fund the provision of the following types of infrastructure:
- i. Education facilities
 - ii. Health care facilities
 - iii. Projects listed in the Connected Croydon Delivery Programme
 - iv. Public open space
 - v. Public sports and leisure
 - vi. Community facilities
- 5.2 Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through A S106 agreement. Where these are necessary, it will be explained and specified in the agenda reports.

6. FURTHER INFORMATION

- 6.1 Members are informed that any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

7. PUBLIC SPEAKING

- 7.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Chair's discretion.

8. BACKGROUND DOCUMENTS

- 8.1 The background papers used in the drafting of the reports in part 6 are generally the planning application file containing the application documents and correspondence associated with the application. Contact Mr P Mills (020 8760 5419) for further information. The submitted planning application documents (but not representations and consultation responses) can be viewed online from the Public Access Planning Register on the Council website at <http://publicaccess.croydon.gov.uk/online-applications>. Click on the link or copy it into an internet browser and go to the page, then enter the planning application number in the search box to access the application.

9. RECOMMENDATION

- 9.1 The Committee to take any decisions recommended in the attached reports.

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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.