

Planning Sub-Committee Agenda



To: Councillor Chris Clark (Chair)
Councillor Leila Ben-Hassel (Vice-Chair)
Councillors Joy Prince, Clive Fraser, Humayun Kabir, Jamie Audsley,
Scott Roche, Gareth Streeter, Ian Parker and Lynne Hale

A meeting of the **Planning Sub-Committee** which you are hereby summoned to attend, will be held on **Thursday, 27 January 2022** at the rise of Planning Committee but not earlier than **7.30 pm** in **Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX**

KATHERINE KERSWELL
Chief Executive and Head of Paid Service
London Borough of Croydon
Bernard Weatherill House
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www.croydon.gov.uk/meetings
Wednesday, 19 January 2022

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 Jayde Watts 020 8726 6000x52729

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 - 6)

To approve the minutes of the meeting held on Thursday 18 November as an accurate record.

3. Disclosure of Interest

Members and co-opted Members of the Council are reminded that, in accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, they are required to consider in advance of each meeting whether they have a disclosable pecuniary interest (DPI), an other registrable interest (ORI) or a non-registrable interest (NRI) in relation to any matter on the agenda. If advice is needed, Members should contact the Monitoring Officer in good time before the meeting.

If any Member or co-opted Member of the Council identifies a DPI or ORI which they have not already registered on the Council's register of interests or which requires updating, they should complete the disclosure form which can be obtained from Democratic Services at any time, copies of which will be available at the meeting for return to the Monitoring Officer.

Members and co-opted Members are required to disclose any DPIs and ORIs at the meeting.

- Where the matter relates to a DPI they may not participate in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation.
- Where the matter relates to an ORI they may not vote on the matter unless granted a dispensation.
- Where a Member or co-opted Member has an NRI which directly relates to their financial interest or wellbeing, or that of a relative or close associate, they must disclose the interest at the meeting, may not take part in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation. Where a matter affects the NRI of a Member or co-opted Member, section 9 of Appendix B of the Code of Conduct sets out the test which must be applied by the Member to decide whether disclosure is required.

The Chair will invite Members to make their disclosure orally at the commencement of Agenda item 3, to be recorded in the minutes.

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 7 - 10)

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

5.1 5.1 21/00825/FUL - 5 Pollards Hill South, SW16 4LW (Pages 11 - 24)

Alterations, erection of single-storey rear extension with raised terrace area and erection of basement extension with lightwell and external staircase.

Ward: Norbury and Pollards Hill
Recommendation: Grant permission

5.2 5.2 21/01186/FUL - 51 Warren Road, Croydon, CR0 6PF (Pages 25 - 36)

Change of use from small House in Multiple Occupation (HMO) (C4 Use Class) to large 8 person HMO (Sui Generis)

Ward: Addiscombe West
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."

Planning Sub-Committee

Meeting of held on Thursday, 18 November 2021 at 9.33 pm in Council Chamber, Town Hall,
Katharine Street, Croydon CR0 1NX

MINUTES

Present: Councillor Chris Clark (Chair);
Councillor Leila Ben-Hassel (Vice-Chair);
Councillors Clive Fraser, Scott Roche and Gareth Streeter

PART A

A12/21 **Minutes of the previous meeting**

RESOLVED that the minutes of the meeting held Thursday 4 November 2021 be signed as a correct record.

A13/21 **Disclosure of Interest**

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

A14/21 **Urgent Business (if any)**

There was none.

A15/21 **Planning applications for decision**

A16/21 **21/01913/FUL - 31 Roke Road, Kenley, CR8 5DZ**

Demolition of existing detached 2 storey dwelling and replacement with 3 x 3 storey terraced dwellings with 3 car parking spaces.

Ward: Kenley

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

Mr Rajesh Godhania spoke against the application.

Mr Ian Coomber spoke on behalf of the applicant in support of the application.

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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 **GRANT** the application based on the officer's recommendation was proposed by Councillor Fraser. This was seconded by the Chair.

The motion to grant was taken to a vote with three Members voting in favour and two Members voting against.

The Committee **RESOLVED** to **GRANT** the application for the development at 31 Roke Road, Kenley, CR8 5DZ.

The meeting ended at 10.00 pm

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.

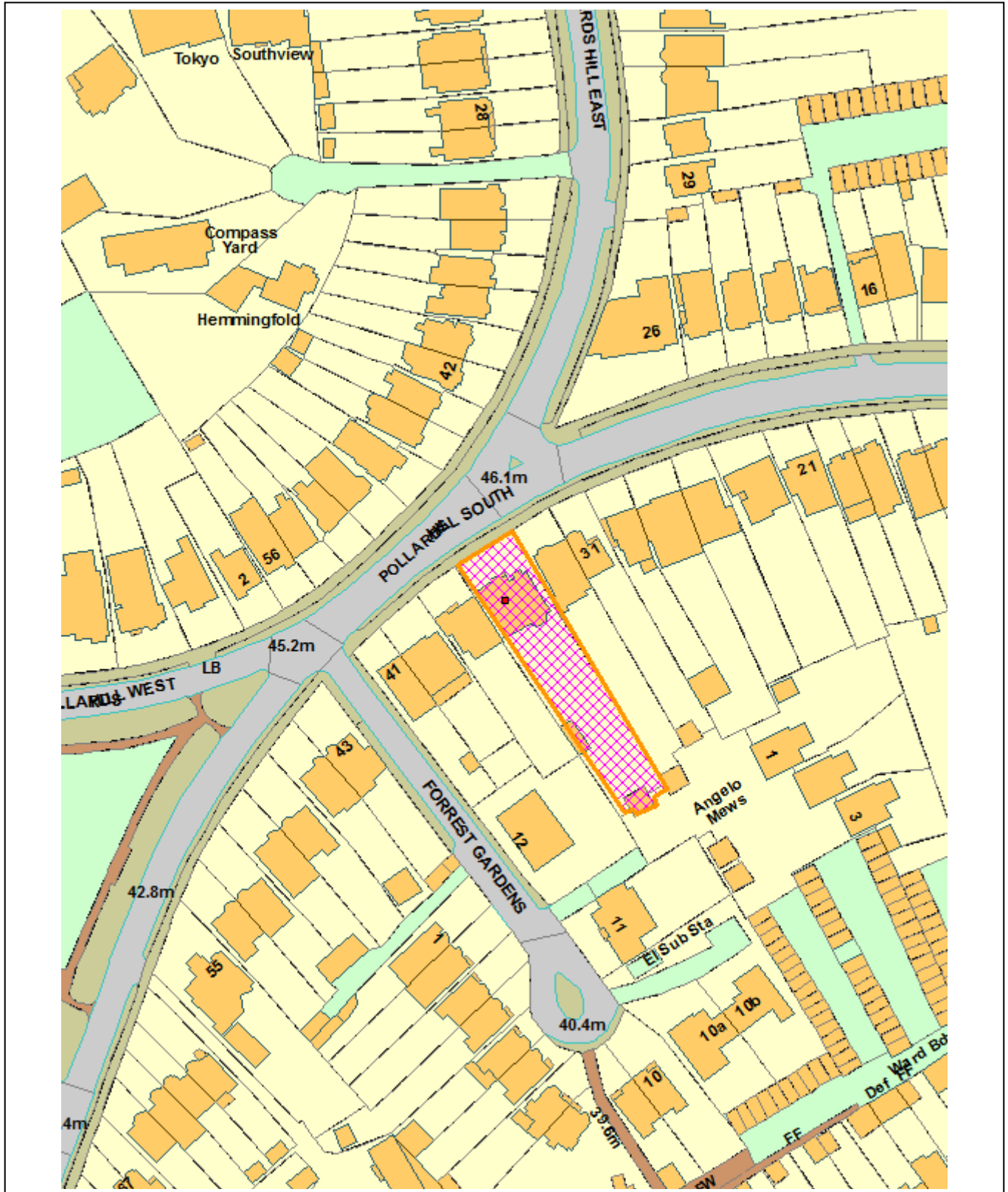
8. BACKGROUND DOCUMENTS

- 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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1. APPLICATION DETAILS

Ref: 21/00825/FUL
 Location: 35 Pollards Hill South, SW16 4LW
 Ward: Norbury and Pollards Hill
 Description: Alterations, erection of single-storey rear extension with raised terrace area and erection of basement extension with lightwell and external staircase.
 Drawing Nos: 1615/EX/001, 1615/EX/002, 1615/EX/003, 1615/EX/004, 1615/EX/005, 1615/EX/006, 1615/EX/007, 1615/EX/008, 1615/EX/009, 1615/PR/101 Rev.A, 1615/PR/102 Rev.A, 1615/PR/104 Rev.A, 1615/PR/105 Rev.A, 1615/PR/106 Rev.A.
 Agent: Mr Noman Beg
 Case Officer: Grace Hewett

- 1.1 This application is being reported to Planning Sub-Committee because objections above the threshold in the Committee Consideration criteria have been received (15 individual objections) which triggers referral to committee.

2 RECOMMENDATION

- 2.1 That the Sub Planning Committee resolve to GRANT planning permission.
- 2.2 That the Director of Planning & Sustainable Regeneration has delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

Standard

- 1) The works shall be begun within 3 years of the date of the decision;
- 2) The works shall be carried out wholly in accordance with the submitted plans;

Pre-commencement Conditions

- 3) Appointment of a suitably qualified engineer to inspect, approve and monitor the basement construction works prior to commencement;
- 4) Details of flood mitigation measures (including sump pumps) to be submitted;
- 5) Submission and approval of method statement for replanting of trees.

Compliance Conditions

- 6) Materials to be implemented as specified within the application
- 7) Any other planning condition(s) considered necessary by the Director of Planning & Strategic Transport

Informatives

- 1) Code of practice on construction sites.

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

3 PROPOSAL AND LOCATION DETAILS

Proposal

- 3.1 The applicant seeks full planning permission for the:

Erection of a single-storey rear extension with raised terrace area and erection of basement extension with lightwell and external staircase.

During the assessment of the application amended plans have been received (uploaded to the website on 23/08/2021). The amendments included revisions to the proposed terrace including; the removal of the external steps to the terrace along the western boundary and the introduction of 1.8m high glass privacy screening to the sides of the terrace.

The amendments were minor revisions to mitigate the impact on the neighbouring occupiers and did not require re-consultation with residents.

Site and Surroundings

- The application site lies on the southern side of Pollards Hill South. The site comprises a two-storey detached dwellinghouse. The topography of the site slopes downwards from the front to the rear of the site. There is an existing rear addition and raised terrace area to the rear of the property.
- The surrounding area is mostly residential in character; comprised of two-storey detached and semi-detached dwellings, with many of the existing properties benefitting from rear extensions.
- There are no policy constraints affecting the application site, as identified by the Croydon Local Plan (2018).
- The application site is located in fluvial Flood Zone 1 and has a very low risk of surface water flooding. The site is identified as being susceptible to flooding when



groundwater levels are high and there are two historical records of groundwater flooding nearby.

Figure 1 – Site Location

Relevant Planning History

- 3.2 The following applications are of relevance to the assessment and determination of the application:

21/05221/GPDO - Erection of a single storey rear extension projecting out 6 metres from the rear wall of the original house with a height to the eaves of 2.95 metres and a maximum height of 3 metres. Approved (prior approval).

21/04366/GPDO - Erection of single storey rear extension projecting out 8 metres with a maximum height of 3.35 metres. Prior approval refused as the extension would be detrimental to the amenities of the adjoining occupiers by reason of its size and siting which would result in visual intrusion, loss of outlook and loss of light.

21/02314/LP - Erection of single-storey rear extension and installation of replacement door in front elevation. Certificate granted.

21/00749/LP - Erection of single-storey rear extension and installation of replacement door in front elevation. Certificate refused as the extension was positioned within 2 metres of the boundary and the eaves height exceeded 3 metres. The host dwelling has an existing raised terrace area and it had not been demonstrated where the original natural land level should be measured from.

21/00742/FUL - Erection of detached two-storey five bedroom dwelling at rear with accommodation in roofspace and provision of associated parking. Application invalid on receipt.

12/03450/P - Erection of detached two storey five bedroom house at rear with accommodation in roofspace and provision of associated parking (renewal of planning permission 09/2223/P). Permission granted.

09/02223/P - Erection of detached two storey five bedroom house at rear with accommodation in roofspace and provision of associated parking. Permission granted.

08/03973/P - Erection of detached four bedroom house at rear and provision of associated parking. Permission refused – appeal allowed.

06/01757/P - Alterations to dormer extension in rear roof slope and retention of dormer extensions in side roof slopes. Permission granted.

05/05314/P - Erection of single storey rear extension to include conservatory. Permission granted.

05/01063/PRE - Erection of house fronting onto Forest Gardens.

4 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The appearance of the proposed extension would be acceptable and there would be minimal changes visible within the street scene when viewed from Pollards Hill South.
- The impact on the amenity of adjoining occupiers is acceptable, given the siting and separation distances between the proposed development and the surrounding properties, as well as the proposed screening measures.

5 CONSULTATION RESPONSE

Lead Local Flood Authority (LLFA)

- 5.1 The site is located in fluvial Flood Zone 1 (Low Risk) and is defined as Very Low Risk of Surface Water flooding. Much of the proposed extension is over existing patio, so the extent of additional impermeable area proposed is minimal. The Basement Impact Assessment (uploaded to the website on 23.08.2021), indicates that the proposed basement is unlikely to interact with the local groundwater system, but provides recommendations to include flood resistance and resilience measures to prevent water ingress and to reduce flood damage should any flooding occur, and recommends that a sump and pump be incorporated in to the design of the basement, which the LLFA supports. (Officer comment: A condition has been attached requiring the provision of details of the flood mitigation measures).
- 5.2 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6 LOCAL REPRESENTATION

- 6.1 The application has been publicised by way of (13) letters sent to neighbouring occupiers of the application site. 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: 15 Objecting: 15 Supporting: 0 Neutral: 0

- 6.2 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:

Objection	Officer's Response
Principle of Development	
Use as a HMO (house of multiple occupancy)	This is not proposed by the application and the Council is required to determine the development that is before them, not what may be speculated.
Is the real intention to make this a four dwelling apartment with uncontrolled occupancy?	
Use as a commercial premises	The application does not propose a commercial use.
Not intended as a family home but hostel type building	The application does not propose a hostel.

This is not a simple modification to an existing property, it is a complete reconstruction on a massive scale	The application proposes an extension to the existing residential dwelling and the impacts of the proposal are addressed in the report below.
Impact on Character & Appearance	
Not in-keeping and out of character with the area	Acknowledged and addressed in paragraph 8.4 below.
Scale of proposed works	
Obtrusive by design	
Overdevelopment	
The property will dominate the area	
Disproportionate in size to original house and plot of land	
Leaves much smaller area of green space	The host building has a generous sized rear garden, which is larger than neighbouring plots. The proposal would replace an existing rear extension and terrace and the host dwelling would continue to have a good sized rear garden.
Loss of green space and garden area	
Extension of patio/terrace area to cover large part of the garden	
Creates new building line and 4 storey precedent	The proposed rear extensions would not affect the overall height of the host building or how it is viewed within in the street scene from Pollards Hill South. The proposed basement extension is working with the existing topography and changes in land level at the rear of the site and is considered acceptable.
Impact on Local Amenity	
Noise	The residential extension would not generate a level of noise substantially above that of the existing dwelling.
Noise from construction	The applicant is advised to consult the Council's "Code of Practice on the Control of Noise and Pollution from Construction Sites", which provides guidance on how to undertake construction works in a considerate manner. All construction works should be undertaken in accordance with this document. Applicants are advised of this document in an informative attached to decision notices.
Residential amenity	Acknowledged and addressed in paragraph 8.7 – 8.9 below.
Loss of light	
Loss of privacy	Acknowledged and addressed in paragraph 8.10 below.
Overlooking	
Quality of Accommodation	
Insufficient light to basement	The basement includes a lightwell with a minimum depth of 2.05m. Beyond this depth, there are steps up to the garden, (meaning the lightwell would meet the

	25 degree angle required by the BRE from the mid-point of the windows). The basement is served by two windows and a double door which are south-east facing and have a height of 2.2m. As such, it is considered that this room would receive sufficient light.
Quality of accommodation	The scale of the host dwelling and proposed extensions is generous for a single family dwelling house.
Limited communal space	Communal space is not required for residential extensions. The property has a large rear garden.
Impact on Local Transport	
Traffic or highways	Acknowledged and addressed in paragraph 8.13 below.
Insufficient parking	
Insufficient space for provision of 4 parking spaces as stated	
Insufficient cycle storage	This is not a requirement for residential extensions.
Impact on Natural Environment	
Flood risk and groundwater	Acknowledged and addressed in paragraph 8.14 below.
Surface water flooding	
Impact on water course and hydrology	
Subsidence and slippage	Matters regarding subsidence and slippage are controlled by separate building regulations and a condition will be added to ensure the appointment of a suitably qualified engineer to inspect, approve and monitor basement construction works.
No retaining walls and support	Retaining walls are proposed for the basement and lightwell. This will also be controlled by separate building regulations.
No electric charging point	This is not a requirement for residential extensions at present.
No green features	The host dwelling has a generous sized rear garden which is retained.
Detrimental impact on tree(s)	Acknowledged and addressed in paragraph 8.12 below.
Sewage and water management	This is not a material planning consideration and is controlled by separate building regulations.
Pollution from burning land clear and rubbish/rubble	The applicant is advised to consult the Council's "Code of Practice on the Control of Noise and Pollution from Construction Sites", which provides guidance on how to undertake construction works in a considerate manner. All construction works should
Rubbish from building works	

	be undertaken in accordance with this document.
Adverse impact on local environment	The Basement Impact Assessment indicates that the basement level is unlikely to interact with the local groundwater system. Subject to full details of flood mitigation measures being secured by condition, this is considered acceptable.
Waste Management	
Insufficient provision of refuse storage	As the application proposes a residential extension, the existing refuse arrangement is considered acceptable.
Other Matters	
Construction has already commenced	A site visit was conducted on 01.12.2021 and no substantial works have commenced. The only works that have taken place are demolition works to the existing property.
Inaccurate plans	The application and accompanying plans have been reviewed and are considered to accurately reflect the host building and proposed works.
Errors and omissions all through the various applications on this site	
Not submitted via the PA register	The application has been logged and is publicly visible on the planning application register.

7 RELEVANT PLANNING POLICIES AND GUIDANCE

- 7.1 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 New London Plan (2021), the Croydon Local Plan (2018) and the South London Waste Plan (2012).
- 7.2 Government Guidance is contained in the National Planning Policy Framework (NPPF) (2019). 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.
- 7.3 The main policy considerations raised by the application that the Committee are required to consider are:

London Plan 2021 (LP):

- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D12 Fire safety

Croydon Local Plan 2018 (CLP):

- SP1 The places of Croydon
- SP4 Urban design and local character
- SP6 Environment and Climate Change
- DM10 Design and character
- DM23 Development and construction
- DM25 Sustainable drainage systems and flood risk

Supplementary Planning Documents/Guidance:

- Croydon Suburban Design Guide SPD2 (2019)

8 MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the Committee is required to consider are as follows:

- Principle of development
- Townscape and visual impact
- Impact on neighbouring residential amenity
- Transport
- Flood Risk
- Fire Safety

Principle of Development

8.2 Concerns have been raised by objectors to the scheme regarding the proposed use. However, the application proposes the erection of a ground-floor and basement extension to provide additional accommodation to an existing residential dwelling. In principle, extensions to residential properties in urban areas are acceptable, subject to compatibility with the other policies of the development plan. Whilst local residents may have concerns that the property may be used for an alternative purpose, the application proposes a residential extension and the Local Planning Authority are required to assess planning applications on the basis of the proposals contained within them, rather than alternative uses that have been speculated. Should the property in the future be used for a use for which it does not have planning permission, this would be a matter for Planning Enforcement.

Townscape and Visual Impact

8.3 Policy D3 of the London Plan requires development to be of the highest quality and to respond to the existing character of a place. Policy DM10 of the Croydon Local Plan requires the siting, layout and form of new development to respect the character and appearance of existing areas. Policy SP1.1 indicates that the Council will require all new development to contribute to enhancing a sense of place and improving the character of the area. Policies SP4.1 and SP4.2 also require development to be of a high quality which respects and enhances local character.

- 8.4 The proposed single-storey rear extension and raised terrace would replace an existing rear addition/conservatory and terrace. The basement level work with the existing topography and land levels to the rear of the site. The scale is considered subservient and the host dwelling would continue to have a generous sized rear garden. The proposed materials palette would consist of white painted render to match the existing property and the fenestration would be complementary. The proposed rear extensions would not be visible within the street scene. A condition has been added to ensure that the materials to be implemented on site are in accordance with those set out in the planning application.



Figure 2 – Proposed Rear Elevation

- 8.5 There are multiple examples of rear extensions within the immediate locality and the height and footprint of the proposal would be similar. Therefore, the proposed extensions would respect the scale, height and massing of the surrounding area, in accordance with policy DM10 of the Croydon Local Plan.

Impact on Neighbouring Residential Amenity

- 8.6 Policy DM10 of the Croydon Local Plan requires the Council to have regard to the privacy and amenity of adjoining occupiers. Policies SP4.1 and SP4.2 seek to respect and enhance character, to create sustainable communities and enhance social cohesion and well-being.
- 8.7 The neighbouring property at 37 Pollards Hill South has a single-storey rear addition adjacent to the boundary, with rear facing windows that appear to serve a habitable room. The proposed rear extension would measure 4.00 metres in depth along this boundary, with a maximum height of 3.20 metres. The proposed site plan demonstrates that the extension would not breach a 45 degree line when measured from the centre of the nearest habitable room window on the rear of No.37, which would comply with the guidance in the Suburban Design Guide and would ensure that the proposal would not result in any unacceptable loss of light or outlook to this property.
- 8.8 It should also be noted that the applicant has an extant prior approval (application ref: 21/05221/GPDO) for the erection of a single-storey rear extension with a greater depth of 6 metres which could be built out.
- 8.9 The proposed rear extension would measure 4.00m in depth and would be off-set from the boundary with 33 Pollards Hill South. No.33 is positioned at a higher land level and

has a single-storey side/rear addition that abuts the boundary and is used for storage. Furthermore, an additional site plan has been submitted showing that the extension would not breach a 45 degree line when measured from the nearest habitable room window. As such, the proposal would not result in any unacceptable loss of light or outlook to No.33.

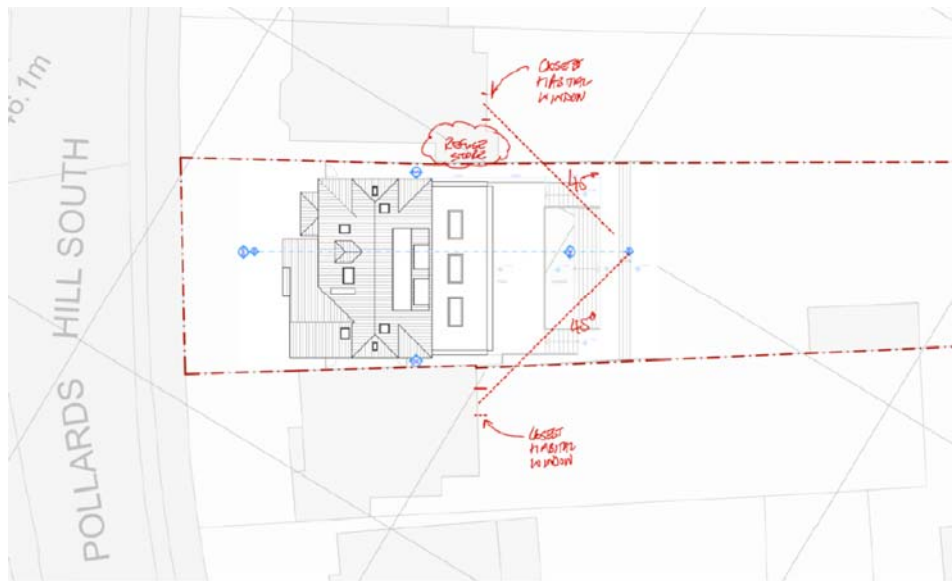


Figure 3 – Neighbouring Properties

- 8.10 In terms of concerns raised about overlooking and loss of privacy, it is considered that the relationship is acceptable. The proposed extensions would include the provision of rear-facing windows and the views afforded would be similar to the views offered from the existing rear addition. The terrace would include the provision of 1.8m high opaque glass screening on both sides to prevent any direct overlooking to the adjoining occupiers. The opaque screens are shown on the plans and a condition has been added requiring the permission to be built out in accordance with the plans. This is a sufficient measure to ensure that the impact is acceptable.

Trees

- 8.11 Policy DM10.8 seeks to retain existing trees and vegetation and policy DM28 seeks to refuse development where it would result in the avoidable loss or excessive pruning or preserved or retained trees where they make a contribution to the character of the area.
- 8.12 There are no protected trees within the application site. There are four palm trees within reasonably close proximity to the proposed extensions; however, these trees are not native species nor of a quality that the Council would seek to protect. Their proximity to the proposed extensions means that they will be affected by the construction activities. The applicant has confirmed that it is their intention to re-site these trees elsewhere within the garden and this can be controlled by condition.

Transport

- 8.13 The property currently benefits from a paved forecourt and vehicle crossover to the front of the site. The proposal concerns an extension to a single dwelling and would not result in an uplift in the number of dwellings. The proposal would not alter the

existing parking arrangements and is not considered to result in any harm to the existing highways network or an increase in parking stress in comparison to the existing use as a family dwelling. Therefore, no transport concerns are raised.

Flood Risk

- 8.14 Much of the proposed extension is sited over an existing patio which limits the extent of additional impermeable area proposed. To address the risk of groundwater and surface water flooding, the applicant has submitted a basement impact assessment. This indicates that the proposed basement is unlikely to interact with the local groundwater system. The assessment includes recommendations regarding flood resistance and resilience measures to prevent water ingress and to reduce flood damage should any flooding occur. It also recommends that a sump and pump be incorporated in to the design of the basement, which has been shown on the proposed floor plans. The LLFA have been consulted on the proposal and have not raised any objections. A condition has been added requiring the details of the measures to be submitted for approval.

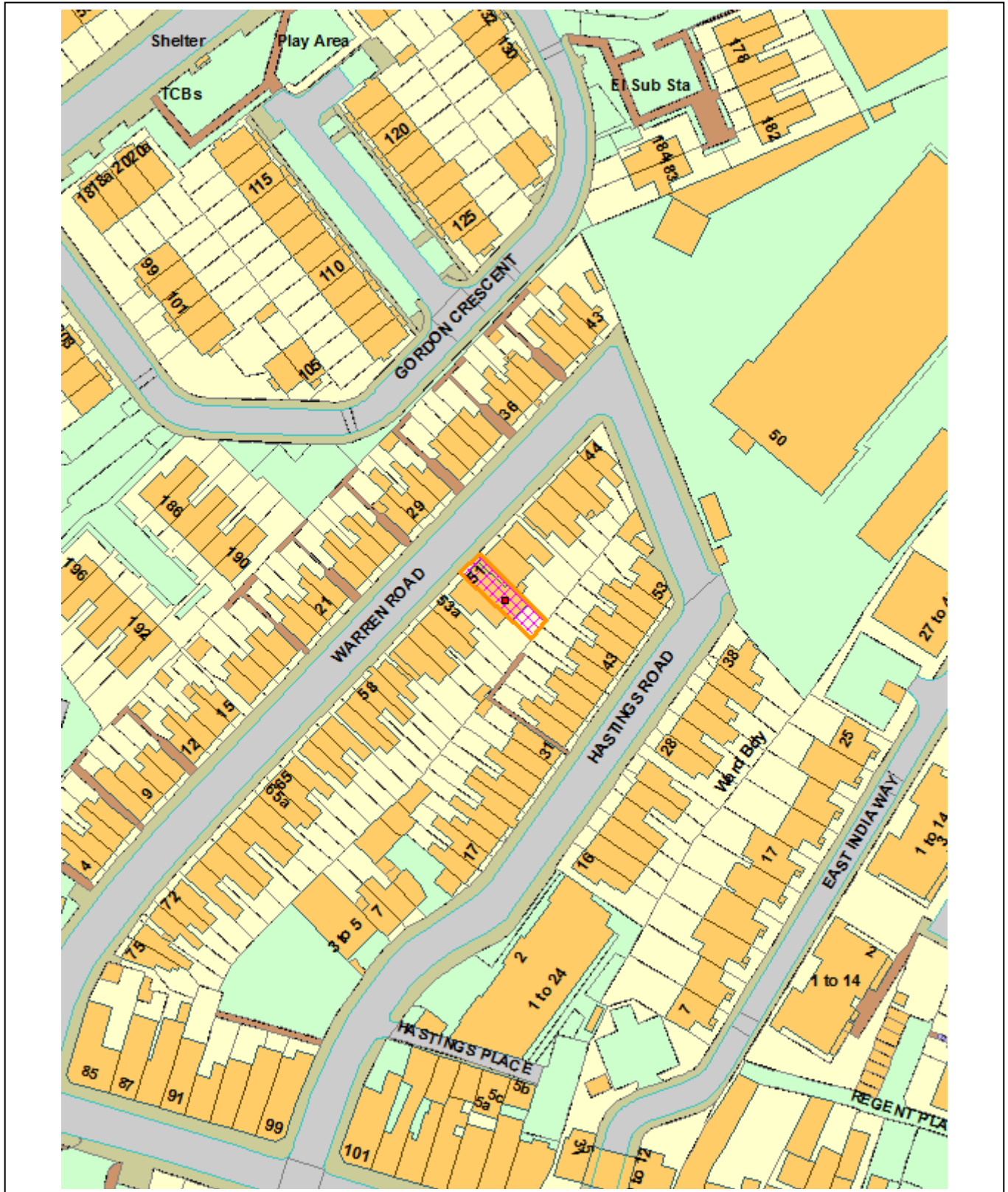
Fire Safety

- 8.15 Policy D12 of the London Plan (2021) requires all development proposals to achieve the highest standards of fire safety and ensure that they identify suitable outdoor space for fire appliances and assembly points; incorporate appropriate fire safety features; minimise the risk of fire spread; provide suitable and convenient means of escape (incl. a robust strategy for evacuation); and suitable access and equipment for firefighting.
- 8.16 The applicant has submitted a Fire Safety Statement that suitably addresses the criteria of this policy.

Conclusions

- 8.17 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

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1 SUMMARY OF APPLICATION DETAILS

Ref: 21/01186/FUL
Location: 51 Warren Road, Croydon CR0 6PF
Ward: Addiscombe West
Description: Change of use from small House in Multiple Occupation (HMO) (C4 Use Class) to large 8 person HMO (Sui Generis)
Drawing Nos: WR/01 (Existing Plan), WR/02 (Proposed Plan), L1309 101 (Block Plan), Location Plan
Applicant/Agent: Ms Meng/Mr Peter Higginbottom
Case Officer: Sera Elobisi

- 1.1 This application is being reported to committee because the ward councillor (Cllr Jerry Fitzpatrick) made representations in accordance with the Committee Consideration Criteria and requested Committee Consideration.

2 RECOMMENDATION

That the Planning Committee resolve to GRANT planning permission subject to:

- 2.1 The prior completion of a legal agreement to secure the following planning obligations:
- a) Restriction on future occupiers from obtaining car parking permits in CPZ.
 - b) Any other obligation(s) considered necessary by the Director of Planning and Sustainable Regeneration
- 2.2 That the Director of Planning and Sustainable Regeneration 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.

Pre-occupation

- 3) Management Plan, including waste and recycling management, to be submitted for approval

Compliance

- 4) Provision of cycle storage
- 5) HMO restricted to no more than 8 residents
- 6) Any other planning condition(s) considered necessary by the Director of Planning and Sustainable Regeneration

Informatives

1) Any informative(s) considered necessary by the Director of Planning and Sustainable Regeneration

- 2.3 That, if within 3 months of the issue of a draft planning permission decision notice, the legal agreement has not been completed, the Director of Planning and Sustainable Regeneration has delegated authority to refuse planning permission.

3 PROPOSAL AND LOCATION DETAILS

Proposal

- 3.1 The site is a mid-terrace residential dwelling located on Warren Road, Croydon. The dwelling is currently in use as a small HMO unit for up to 6 persons and has been extended at the rear and the roofspace to additional bedroom spaces in the loft as well as a communal area on the ground floor (see history section below).



Image 1: location plan

- 3.2 The proposal seeks conversion of the existing HMO into an 8 person, with the layout as follows:

Ground floor	Two bedrooms, kitchen, living room, shower room and store
First floor	Three bedrooms, kitchen and shower room
Second floor	Two bedrooms

- 3.3 No extensions are proposed.

Site and Surroundings

- 3.4 The area is residential and comprises mainly small family dwellinghouses similar to that of the application building. The site is within walking distance to Lower Addiscombe Road and local amenities.
- 3.5 The site is located within Flood Zone 1 and in an area at high risk of surface water levels. The site has a Public Transport Accessibility Level of 3.

Planning History

- 3.6 19/00050/HSE – Permission granted for erection of single storey side/rear extension and first floor rear extension (implemented).
- 3.7 19/01403/FUL – Permission refused for alterations; erection of single/two storey rear extensions with rear balcony at first floor (refused on grounds of residential amenity and substandard accommodation).
- 3.8 19/02888/LP – Certificate of lawful development granted erection of dormer extension in rear roofslope and use of the dwelling as a small HMO for up to 6 occupants (Use Class 4).
- 3.9 19/04025/FUL – Permission refused for use of the dwelling as a HMO for 8 occupants (refused on grounds of loss of a small family dwelling, visual amenity and sub-standard accommodation).
- 3.10 19/05274/FUL – Permission for use of the dwelling as HMO for 8 persons refused. An appeal against the Council's decision was dismissed on 22/07/2020 on grounds of loss of a small family dwelling and sub-standard accommodation.
- 3.11 20/00241/FUL – Permission refused for use of the dwelling as a large HMO (Sui Generis). Refused on grounds of loss of a small family dwelling and sub-standard accommodation.
- 3.12 20/06663/LE – Certificate of lawful development granted for use of dwelling as HMO within Use Class C4 (3 - 6 persons).

4. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 4.1 An HMO is considered acceptable in this location given its accessibility within a Local Centre and public transport connections.
- 4.2 The development has been designed to meet HMO guidance.
- 4.3 The living standards of future occupiers acceptable and compliant with the Local Plan and HMO guidance. The existing layout to the second floor front bedroom was

considered acceptable and approved for HMO use within Use Class C4 (Ref. 20/06663/LE).

4.4 Suitable waste management and cycle arrangements have been provided within the site.

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

5. CONSULTATION RESPONSE

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

6. LOCAL REPRESENTATION

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

No of individual responses: 11 Objecting: 11 Supporting: 0

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.	Refer to paragraph 7.5 of this report.
Overcrowding and overdevelopment, not in keeping with the area	Refer to paragraphs 7.7 and 7.8 of this report.
<i>Impact on neighbours</i>	
<i>Noise</i>	Refer to paragraph 7.8 of this report.
Anti-social behaviour	There has been no registered complaint to the Council regarding anti-social behaviour.
<i>Waste</i>	
Refuse Storage	Refer to paragraphs 7.13 and 7.14 of this report.
<i>Non-material issues</i>	
Concerns about the type of people occupying the property.	Not a material consideration.
The impact on the application on surrounding property values.	Not a material consideration.

<i>Procedural issues</i>	
Multiple applications submitted despite planning refusals.	There has been a material change of use of the property since the previous application refusals and therefore the application is subject to a full planning assessment.
Application misleading as property is already being advertised commercially as an 8 bedroom HMO.	The property is licenced as a small HMO unit for 6 persons.
<i>Parking</i>	
Parking congestion problems to existing residents in Warren Road.	Refer to paragraph 7.11 of this report.

6.2 Councillor Sean Fitzsimons has made the following representations:

- This is an overdevelopment of the site and loses a valuable family home, and provides inadequate living and amenity space for residents.

6.3 Councillor Jerry Fitzpatrick has made the following representations

- Loss of a small family dwelling - (On 22nd July the appeal to Secretary of State was rejected for these reasons: "The development would result in the permanent net loss of a three bedroom family home and the loss of small family dwelling") - This is still the case in that there is a shortage of 3-bedroom family homes in the borough. A Sui Generis HMO is a different category altogether. It sits in the same category as hostels as well as betting offices, casinos and theatres. Not an appropriate change of use for a residential street.
- Living conditions – Nothing has been done to alleviate this issue. (The Appeal Inspector agreed with the council that the room "doesn't allow any real outlook", "enclosed and oppressive", "resulted in a poor standard of living conditions for the occupier of that bedroom" "contrary to the aims of Policies 7.6 of the London Plan 2016 and DM10.6 of the Local Plan)
- The proposal seeks to remove shared communal space from the existing residents (a study) in favour of bedroom 7 which just adds more congestion in the remaining communal areas such as the ground floor shower and kitchen. This is to the detriment of the existing tenants.
- Paragraph 5.20 only underlines the point that the communal space (existing study) is necessary for the occupier of bedroom 1 and its loss would be of detriment to his/her wellbeing.
- No evidence has been provided that the proposed accommodation is "considered acceptable and accepted by the LB of Croydon Environmental Team. No evidence has been provided that the licensing team considers this to be high standard for a
- 8-person HMO.

- Character and appearance of the area - Insufficient side storage to store the quantity of wheelie bins required for an 8-person HMO. Storing 2 to 3 landfill bins and 2 recycling wheelie bins would be unattractive and here I disagree with the Appeal Inspector - The walls are not high enough to hide the wheelie bins and the front will have no function other than to store them. With 3 bins you can see they already come up to the bay window and start obscuring the view from the occupant there. Adding more makes the home look like a recycling site.

7. RELEVANT PLANNING POLICIES AND GUIDANCE

7.1 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 London Plan 2021 the Croydon Local Plan 2018.

7.2 Government Guidance is contained in the National Planning Policy Framework (NPPF) most recently updated in July 2021. 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, those most relevant to this case are:

- Achieving sustainable development
- Delivering a sufficient supply of homes
- Promoting sustainable transport
- Achieving well designed places

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

London Plan 2021 (LP):

- GG2 Making the best use of land
- GG4 Delivering the Homes Londoners need
- D2 Infrastructure requirements for sustainable densities
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D12 Fire safety
- D14 Noise
- H1 Increasing housing supply
- H10 Housing mix and size
- SI2 Minimising greenhouse gas emissions
- SI5 Water infrastructure
- SI12 Flood risk management
- T1 Strategic approach to transport
- T3 Transport capacity, connectivity and safeguarding

- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking

Croydon Local Plan 2018 (CLP):

- SP2 – Homes
- SP4 – Urban design and local character
- SP6.3 - Sustainable Design and Construction
- DM1 - Housing choice for sustainable communities
- DM10 - Design and character
- DM13 - Refuse and recycling
- DM23 - Development and construction
- SP8 – Transport and communication
- DM29 - Promoting sustainable travel and reducing congestion
- DM30 - Car and cycle parking in new development

7.4 There is relevant Supplementary planning Guidance as follows

- Supplementary Planning Document (SPD2) Suburban Design Guide 2019.
- HMO Housing Standards Act (2004)

8. MATERIAL PLANNING CONSIDERATIONS

8.1 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. Parking
6. Refuse

Principle of development

8.2 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 H9) states 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.

8.3 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. The property as originally built was a three bedroom house and classed as a small family dwelling. As can be seen from the Planning History, planning permission has been previously refused (among other grounds covered below) due to the loss of a small family dwellinghouse.

- 8.4 In the case of the current application, the property was confirmed (via an officer's site visit) to be in HMO use within Use Class C4 prior to 28th January 2020, when an Article 4 Direction came in to place restricting the possibility of converting 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. A Certificate of Lawful Development (Existing Use as a small HMO) was granted at the property on 15/02/2021 (20/06663/LE in the Planning History). The property is therefore no longer in use as a small family dwellinghouse which is a material change since the previous refusals (19/04025/FUL, 19/05274/FUL and 20/00241/FUL) were determined.
- 8.5 The principle of conversion from an established small HMO of 3 – 6 persons (C4 Use) to an 8 persons HMO (Sui Generis) is therefore acceptable as it would not result in the loss of a small family home.

Townscape and visual impact

- 8.6 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 as per the existing arrangements. Further consideration of the point is detailed below.

Residential amenity of adjoining occupiers

- 8.7 The proposed scheme would not result in any additions of built form to the building with the result that the application scheme would not harm the outlook, daylight or privacy of the neighbouring occupants.
- 8.8 The property currently has a licence to operate as a 6 bedroom/ person HMO (with this confirmed via 20/06663/LE). The proposal would result in 1 extra bedroom being provided and the current application seeks to increase the maximum number of residents from 6 to 8. Whilst it would increase the intensity of the use, the additional bedroom 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. A condition is recommended limiting the number of occupiers to 8.

Residential amenity of future occupiers

- 8.9 The HMO would provide 2 kitchens, a separate living area and two storage areas. The layout plan submitted for consideration shows 5 out of the 7 bedrooms would have en-suite shower rooms as well as two additional shower rooms on the ground and first floor. The proposal makes provision for an outdoor communal area in the rear garden which would be accessible to all via the lounge.
- 8.10 The size of the rooms and facilities available have been considered by the HMO Team. Further to amended plans, all the rooms meet the minimum floor space standard as contained in the Housing Acts 2004 for HMO units.

- 8.11 Officers note that the second floor front bedroom is only served by rooflights and this area of concern was raised by the Planning Inspector in his decision to dismiss an appeal against the Council's refusal of application 19/05247/FUL. It is noteworthy however, that said bedroom in the loft space is occupied as a fully functioning bedroom under the existing C4 (Small HMO) Use, confirmed under 20/06663/LE. Given the existing use and the fact there is no change proposed to this floor, a grounds for refusal cannot be justified.

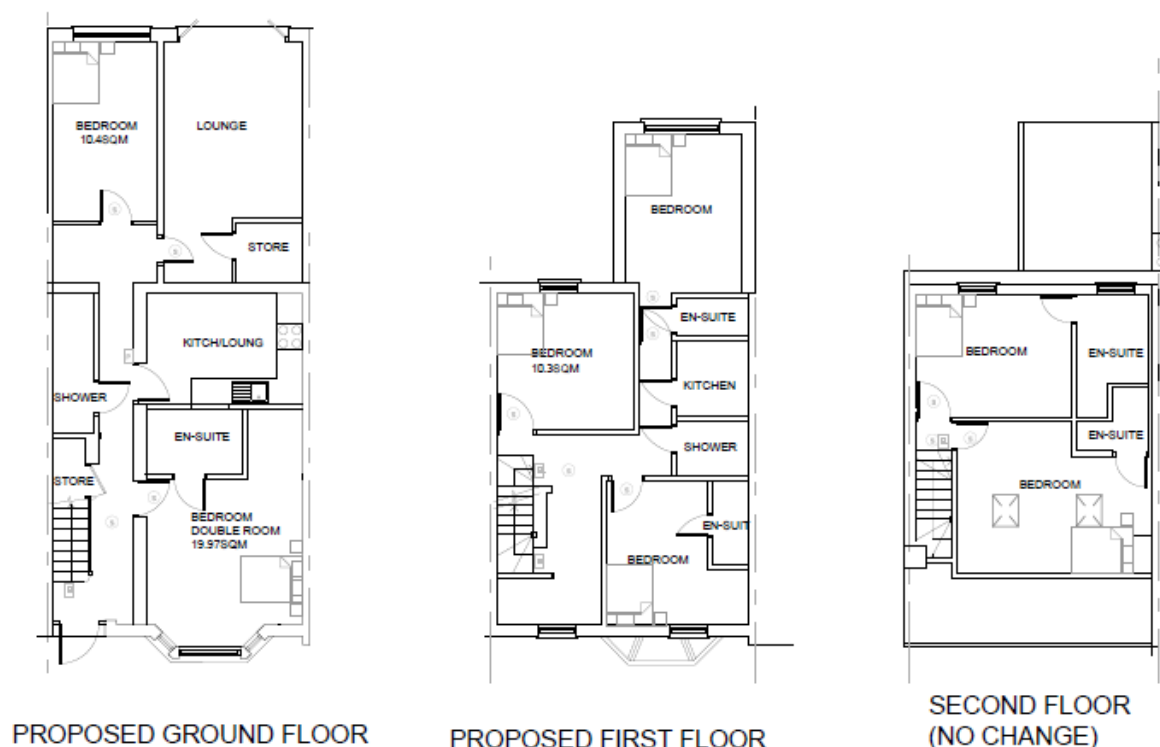


Image 2: Proposed Floor Plans

- 8.12 A Fire Safety Statement has been provided which covers the details necessary as part of Policy D12 of the London Plan (2021).

Highways and parking

- 8.13 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 also within walking distance of bus stops and local amenities on nearby Lower Addiscombe Road. The London Plan 2021 does not have specific guidance regarding parking standards for HMO's. 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, CPZ restriction and modest uplift against the lawful use of the premises as a 6 person HMO, 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.

- 8.14 The existing cycle storage arrangements in the rear garden would be maintained as per the submitted planning statement. The provision of one cycle parking space per occupant in line with the London Plan can be secured by way of a Condition where the Council is minded to grant permission.

Refuse

- 8.15 Policy DM13 of the Croydon Local Plan requires development to sensitively integrate refuse and recycling facilities within the building envelope, or within landscape covered facilities located behind the building line; ensure facilities are visually screened; provide adequate space for the temporary storage of waste materials generated by the development; and ensure facilities are safe, conveniently located and easily accessible by occupants, operatives and their vehicles. The Council's adopted Suburban Design Guide 2019 requires refuse stores to be located in a visually discreet and easily accessible location. They should generally not be accessible via the front elevation of the building or abut the pavement so as to avoid visual intrusion on the appearance of the building
- 8.16 Refuse would be stored in the front garden area and although the bins would be visible above the front garden wall, the arrangement was considered acceptable by the Planning Inspector in the appeal decision 19/05274/FUL.

Conclusion

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