

PART 5: Planning Applications for Decision

Item 5.2

1 APPLICATION DETAILS

Ref: 23/00579/FUL
Location: 179 The Glade, Croydon, CR0 7UL
Ward: Shirley North
Description: Part retrospective and part prospective planning permission for the change of use from a single residential dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4)
Drawing Nos: TG001, TG002A, TG003
Applicant: Gabriel O Ighodaro
Agent: Nana Boateng
Case Officer: Christopher Grace

1.1 This application is being reported to committee because:

- The ward councillor (Cllr Richard Chatterjee) made representations in accordance with the Committee Consideration Criteria and requested committee consideration.

2 RECOMMENDATION

2.1 That the Committee resolve to GRANT planning permission

2.2 That the Director of Planning and Sustainable Regeneration is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

- 1) Commencement time limit of 3 years
- 2) Carried out in accordance with the approved drawings

Submitted within 3 months of planning permission

- 3) Landscaping (including sustainable drainage measures) - approved details implemented on site within three months of approval
- 4) Final details of parking bays, vehicle turning and visibility splays - approved details implemented on site within three months of approval
- 5) Final details of cycle storage and refuse storage - approved details implemented on site within three months of approval
- 6) Mechanical ventilation measures (kitchen and shower rooms) - approved details implemented on site within three months of approval

Compliance

- 7) In accordance with submitted Fire Statement
- 8) In accordance with Management Plan
- 9) The number of occupants shall not exceed 5 people in 5 rooms
- 10) Any other planning condition(s) considered necessary by the Director of Planning and Sustainable Regeneration

Informatives

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

3 PROPOSAL AND LOCATION DETAILS

Proposal

- 3.1 The application seeks full retrospective planning permission for change of use of the existing property (Class C3) to a five bedroom House in Multiple Occupation (Use Class C4) for a maximum of 5 people.
- 3.2 The proposal comprises 5 bedrooms across two floors (with the largest bedroom in the loft space). All of the bedrooms have their own shower room, as well as access to a communal kitchen, utility area and living room.
- 3.3 The garden would be accessed round the side of the property and from the kitchen area for all users of the HMO. The front garden would make provision for 2 car parking spaces with, refuse storage provided down the side of the house and cycle storage provision (2 bicycle spaces for each room) within the rear garden.
- 3.4 As confirmed through inspection of the premises, part of the works have already been completed with the ground floor converted as proposed in this application (and hence part retrospective). The upper floor is currently laid out as two bedrooms which would be rectified were planning permission granted for this proposal (the prospective element).



Figure 1: OS Site Location Plan and Aerial View

Amended plans

- 3.5 The application was originally described as a change of use into HMO, but following representation and an officer site visit it was established that the ground floor had already been completed and in use, so was retrospective. The application description was amended and neighbours were re-consulted.
- 3.6 Following re-consultation with neighbours the applicants submitted a new layout plan to reduce car parking from 5 to 2 spaces, confirmation of new landscape works to the front, clarification of bicycle and refuse storage and submission of management plan all of which are to be conditioned. A further amended plan was received on 29th December which clarified and updated the above matters in relation to vehicle turning,

landscaping and refuse storage. It was considered that there was no fundamental change in the proposal and therefore no further consultation was necessary.

Site and Surroundings

- 3.7 The application site consists of a semi-detached single storey bungalow with accommodation in the roof level situated on the west side of The Glade. The ground floor is currently being used as a HMO with four rooms and two rooms exist within the roof space.
- 3.8 The site has a large front garden approach and rear garden. The surrounding area is residential in character with a similar bungalow to the north and end of terrace two storey house to the south. The application site has no land use designation as identified by the Croydon Local Plan 2018.



Figure 2: Street View of 179 The Glade

Planning Designations and Constraints

- 3.9 The site is subject to the following formal planning constraints and designations:
- PTAL:1B
 - Flood Risk Zone: Surface water risk (1:100yr)

Planning History

- 3.10 The following planning (and building control) decisions are relevant to the application:
- 89/00102/B : Building control approval for single storey rear extension (completed).
- 21/05214/LP: Refused lawful development certificate for the erection of a front and rear dormer.
- 21/05801/LP: Granted lawful development certificate for erection of rear dormer that has been implemented on site.
- 22/03827/LP: Withdrawn lawful development certificate for change of use from single residential dwellinghouse (C3) to HMO (C4). Erection of dormer extension in rear roof slope and installation of 4 rooflights on the slopes.
- 22/4197/FUL: Refused planning permission for change of use from single residential dwelling to HMO (reason for refusal on poor standard of

accommodation due to inadequately sized rear ground floor bedroom and quality of first floor bedrooms).

4 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposed development is acceptable in principle meeting a housing need.
- The HMO use would be managed by the applicants for the duration of the development.
- The quality of the accommodation is acceptable for future occupants.
- There would be no unacceptable impact on the living conditions of adjoining occupiers.
- The proposed landscaping is appropriate.
- The level of parking and its impact on highway safety is acceptable.
- The sustainability aspects of the application are considered to be acceptable

4.1 The following sections of this report summarise the officer assessment and the reason for the recommendation.

5 CONSULTATION RESPONSE

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

6 LOCAL REPRESENTATION

6.1 A total of 28 neighbouring properties were notified about the application and invited to comment. The same number of neighbours were invited to comment on the revised part-retrospective scheme. 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: 4 Objecting: 4 Supporting: 0

6.2 The following local groups/societies made representations:

Monk Orchard Residents Association Group (objecting on original consultation)

- Parking arrangements raises safety issues and are unsatisfactory due to number of vehicles.
- No indication of storage space for occupants.
- No indication of refuse storage, capacity of bins, cycle storage.
- Does not show shower room.

6.3 The following Councillor has made representations:

Councillor Richard Chatterjee (referring to Committee and objecting on original consultation)

- Application states that works or change of use have already started and have been completed so this should be a retrospective planning application (*Officer comment: see para 3.4 and 8.2 to 8.7 of this report*).
- Housing density is not as stated on the Application Form and not shown to be policy compliant. The residential density implied by the proposed areas is

excessing for the site which is PTAL 1b (*Officer comment: see para 8.2 to 8.7 of this report*).

- Proposal not appropriate for HMO as there is no Design and Access statement, the number of bed spaces is not provided, no statements or plans for car parking provision or parking capacity for occupants, no indication of provision of storage space for any occupants nor of refuse or cycle storage (*Officer comment: see para 8.2 to 8.7 and 8.11 to 8.16 of this report*).
- HMO would allow up to 9 individuals each possibly owning a car. The application indicates four spaces exist but the proposed retained spaces are zero so there could easily be parking overspill into surrounding roads (*Officer comment: see para 8.21 to 8.26 of this report*).
- Effects of noise, refuse collection and additional car parking impact on the character of an area yet the application proposes no mitigations for these (*Officer comment: see 8.17 to 8.20 and 8.21 to 8.26 of this report*).
- Insufficient WCs (one) whereas two or more WCs are required for all dwellings with five or more bedspaces (*Officer comment: see para 8.11 to 8.16 of this report*).
- Insufficient bathrooms (one) for five or more unrelated people in the proposed dwellings (*Officer comment: see para 8.11 to 8.16 of this report*).

6.4 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

Objection	Officer comment
Development	
Loss of family home. Loss of and impact on character; could accommodate up to 10 people, 4 people already in residence	Noted, please refer to para 8.2 to 8.7 of this report
Neighbouring amenity	
Disruption and noise from coming and goings; easy access to neighbouring property; quality of life for neighbours	Noted, please refer to para 8.17 to 8.20 of this report
Refuse	
Unightly refuse bins already overflowing	Noted, please refer to para 8.26 of this report
Transport and Highways impacts	
Parking an issue; front can only accommodate 2 cars at most ; highway safety	Noted, please refer to 8.21 to 8.26 para of this report

7 RELEVANT PLANNING POLICIES AND GUIDANCE

Development Plan

7.1 The Council's adopted Development Plan consists of the London Plan (2021), the Croydon Local Plan (2018) and the South London Waste Plan (2022). Although not an exhaustive list, the policies which are most relevant to the application are:

London Plan (2021)

- GG2 Making best use of land
- GG4 Delivering homes Londoners need

- D1 London's form, character and capacity growth
- D3 Optimising site capacity through the design led approach
- D4 Delivering Good Design
- D12 Fire Safety
- D14 Noise
- H9 Ensuring the best use of stock
- SP4 Play and informal recreation
- G5 Urban Greening
- SI 2 Minimising Greenhouse Gas Emissions
- SI 8 Waste Capacity and Net Waste Self-Sufficiency
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T9 Funding transport infrastructure through planning

Croydon Local Plan (2018)

- SP2 Homes
- SP4 Urban Design and Local Character
- SP6 Environment and Climate Change
- SP8 Transport and Communication
- DM1 Housing Choice for Sustainable Communities
- DM10 Design and Character
- DM13 Refuse and Recycling
- DM16 Promoting Healthy Communities
- DM19 Promoting and Protecting Healthy Communities
- DM23 Development and Construction
- DM29 Promoting Sustainable Travel and Reducing Congestion
- DM30 Car and cycle parking in new development

7.2 The Development Plan should be read as a whole, and where policies conflict with each other, the conflict must be resolved in favour of the policy contained in the last document to be adopted, approved or published as part of the development plan, (in accordance with s38(5) of the Planning and Compulsory Purchase Act 2004).

Planning Guidance

National Planning Policy Framework (NPPF)

7.3 Government Guidance is contained in the NPPF, updated in December 2023, and accompanied by the online Planning Practice Guidance (PPG). 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:

- Delivering a Sufficient Supply of Homes
- Promoting Sustainable Transport
- Achieving Well Design Places

SPDs and SPGs

7.4 There are also several Supplementary Planning Documents (SPD) and Supplementary Planning Guidance (SPG) documents which are material considerations. Although not an exhaustive list, the most relevant to the application are:

- London Housing SPG (March 2016)
- National Design Guide (2021)

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. Design and impact on character of the area
3. Quality of residential accommodation
4. Impact on neighbouring residential amenity
5. Access, parking and highway impacts
6. Waste
7. Flooding
8. Conclusions

Principle of development

8.2 In considering this proposal the local planning authority has had regard to delivering a wide choice of homes in favour of sustainable development at a local level in line with the Croydon Local Plan, the London Plan and the principles of the NPPF.

8.3 Policy SP2.1 of the Croydon Local Plan (2018) states that In order to provide a choice of housing for people in socially balanced and inclusive communities in Croydon, the Council will apply a presumption in favour of development of new homes provided applications for residential development meet with policies of the plan. Pertinent to this are policies DM1 in supplying new housing and DM1.2 retaining 3 bedroom homes and small family sized housing smaller than 130sqm. Policy H9 (d) of the London Plan (2021) states that Boroughs should take account of the role of houses in multiple occupation (HMO's) in meeting local and strategic housing needs and are an important part of London's housing offer, reducing pressure on other elements of the housing stock.

8.4 Prior to January 2020 planning permission was not required to use the property for any HMO of 3 to 6 people. However, on 28th January 2020 a Croydon wide Article 4 direction was made by the Council which reflected concerns over the loss small family sized houses and the proliferation of HMO's in some areas. Therefore this development requires planning permission.

8.5 Objections have raised the loss of a family home in this location in place of an HMO, and the increase in density. However, the proposal would not involve the loss of a 3 bedroom house as originally built (as having been extended ref 89/00102/B to form the 3 bedroom home that did exist prior to HMO use) or the loss of a home smaller than 130sqm (as it currently has 141sqm floorspace) and therefore would not be contrary to policy DM1.2.

- 8.6 Additionally, while no policy restricts the provision of HMO use, a review of the Council database for this post code has not found any other registered HMO to indicate a proliferation of this type of housing in this location.
- 8.7 The proposal would provide an alternative source of housing in line with London Plan policy H9(d) and Croydon Local Plan policy SP2.1.

Design and impact on character of the area

- 8.8 Policy SP4.1 of the Croydon Local Plan states that the Council will require development of a high quality, which respects and enhances Croydon's varied local character and contributes positively to public realm, landscape and townscape.
- 8.9 The application does not propose any substantial alterations. The proposal includes a new landscaped front garden and parking approach the detail to be secured by condition. The proposal would therefore enhance the existing appearance and would not adversely impact on visual character of the property.
- 8.10 The proposal would increase occupation and density of the site. However no external alterations are proposed to the building. The number of people occupying the building would be no more than that associated with a large family with only a maximum total of 5 people. Officers do not consider that the proposal would lead to excessive density of the site in terms of numbers or operation.

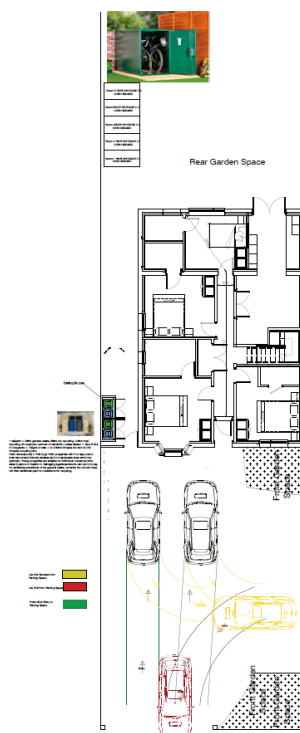


Figure 3: Proposed Ground Floor Layout Plan

Quality of residential accommodation

- 8.11 Policy H9 (d) of the London Plan states that Boroughs should take account of the role of houses in multiple occupation and where they are of a reasonable standard they should generally be protected. There are no planning policy standards for HMO uses.

Officers are however guided in this regard by provisions of the Housing Acts and dimensions set out in the Technical Housing Standards for new residential development.

- 8.12 In terms of room size, each of the rooms provided would be in excess of national room standard sizes for a single person (7.5sqm) and so the proposal would meet this requirement.
- 8.13 As noted above, there are no planning policy standards for HMO uses. Croydon Council has set HMO standards, which, for completeness, officers have assessed the proposal against, noting they are not part of the Development Plan. The HMO guidance sets a minimum room size required for a single person who shares a kitchen to be 10sqm and for two people 15sqm. All of the ground floor rooms are between 10sqm-12sqm which meet the single person standard of 10sqm. In addition each room has its own en-suite. The proposed loft level would exceed 15sqm but has been proposed (and would be conditioned) as a single occupancy room. The ratio for kitchens, if shared, is not more than 5 people and not more than one floor distance from them; the scheme is for 5 people and is across two floors, so meeting this requirement. The proposal would therefore provide an acceptable standard of accommodation with regard to housing standards and the HMO guidance.
- 8.14 All rooms would receive suitable outlook, privacy and access to light. Occupiers of the building would have access to reasonable communal living/dining space internally, as well as access to a private rear garden area which would provide suitable external amenity space.
- 8.15 HMO officers have reviewed the plans and have requested further details in relation to mechanical ventilation to the kitchen, bedroom and shower room areas which is relevant to planning and a condition is recommended. The request for installation of fire resisting doors and fire alarm system are dealt with through the fire statement, see below.
- 8.16 Overall, subject to a condition restricting the number of people to 5, the proposal would provide suitable standard of accommodation in line with housing standards requirements and HMO guidance.

Impact on neighbouring residential amenity

- 8.17 Policy DM10.1 of the Croydon Local Plan 2018 states that where a house in multiple occupation is proposed the Council will also consider the effects of noise, refuse collection and additional car parking on the character of an area. Policy DM10 of the Croydon Local Plan requires the Council to have regard to the privacy and amenity of adjoining occupiers.
- 8.18 Neighbours have raised concerns over possible noise and disturbance from movement to and from the building and the impact on the quality of life for neighbours.
- 8.19 The immediate neighbouring properties are residential in character. The proposal would continue to be residential in use, albeit an alternative form of accommodation. The proposed use of the building would be limited by condition to 5 people to limit impact to neighbours; this number would be no more than a large family in terms of noise and disturbance with comings and goings materially similar.

8.20 The applicants have supplied a management plan detailing how the HMO would be managed, including repairs and monitoring. A condition would ensure that the development is carried out in accordance with the management plan.

Access, parking and highway impacts

8.21 Policy SP8.15 of the Croydon Local Plan states that the Council will encourage car free development in Centres, where there are high levels of PTAL and when a critical mass of development enables viable alternatives, such as car clubs (while still providing for disabled people).

8.22 Policy T6 of London Plan 2021 does not set out specific car parking requirements for HMOs. However, paragraph 10.6.5 of London Plan 2021 states that “Where no standard is provided, the level of parking should be determined on a case-by-case basis taking account of Policy T6 Car parking, current and future PTAL and wider measures of public transport, walking and cycling connectivity”.

8.23 Policy T6 of London Plan 2021 does not set out specific car parking requirements for HMOs. However, paragraph 10.6.5 of London Plan 2021 states that “Where no standard is provided, the level of parking should be determined on a case-by-case basis taking account of Policy T6 Car parking, current and future PTAL and wider measures of public transport, walking and cycling connectivity”. For PTAL 1B one bedroom homes should provide a maximum 1.5 car parking spaces. It should be noted that HMO’s often have residents that do not have cars.

8.24 The property is located in an area with a PTAL of 1B which is poor. The site possess an existing drive with dropped kerb to provide off street parking for two cars. There would be no change in the vehicle access to the site with all parking to be accessed and egressed in forward gear. The existing front garden is large enough and the layout plans demonstrate that this can be provided. Given the modest intensification of the front drive and the lack of pedestrian visibility display currently to the southern boundary (albeit there is currently a very low wall with adequate visibility over), a condition is recommended to safeguard the appropriate visibility. These matters are acceptable.

8.25 The proposal would include 10 cycle storage spaces which is considered acceptable. The cycle storage would need to comply with Cambridge Cycle Parking Guide standards which is considered best practice within the industry. The proposed enclosures would be located within the rear garden of the site with suitably access down the side of the building. Electric sockets will be required within the store for the charging of future e-bikes and e-scooters encouraging sustainable modes of transport. This would be secured through condition.

8.26 The proposed refuse storage facilities would be contained within an enclosed structure located along the left hand side of the building and not directly visible from neighbouring properties and set back from the street. The refuse store would be positioned 13m from the site access and within the maximum 20m distance for Council collection services. The storage area would be required to accommodate 1 x 180ltr landfill bin, 1 x 240ltr comingled recycling bin, 1 x 240ltr paper and card recycling bin and 5x x 23ltr food waste bins. The site has a large front garden and subject to details ensuring suitable capacity, appearance, enclosure and provision of an area for bulky items the proposal would be acceptable.

Fire safety

- 8.27 Policy D12 of the London Plan (2021) requires all development proposals to achieve the highest standards of fire safety. It is important to note that while the requirements apply to all development, the draft guidance states that the fire safety information should be “commensurate with the size, scope and complexity of the development.”
- 8.28 The applicants have submitted a Fire Statement in line with the requirements of the Housing Act 2004 (The Health and Safety Hazard Rating System) and the Regulatory Reform (Fire Safety) Order 2005. A condition requiring the development to comply with Part A 2) to 6) of Policy D12 should ensure an acceptable level of fire safety.

Flooding

- 8.29 The site is located within an area of surface water flooding. The site remains in residential use and therefore the site would not become any more vulnerable as a result of the proposal. No external changes are proposed to the building. Any landscaping works would ensure the use of permeable surfaces and materials. Officers consider this sufficient.

Conclusions

- 8.30 In conclusion, the proposed development would provide HMO residential accommodation, which is considered to be a suitable alternative form of housing. Subject to the attached planning conditions, the proposal is considered acceptable in terms of residential amenity, highways/parking, character and appearance, flood risk and no other harm would result. As such, the application is considered acceptable and is recommended for approval.
- 8.31 All other relevant policies and considerations, including the statutory duties set out in the Equalities Act 2010, the Human Rights Act, the Planning and Compulsory Purchase Act, and the Town and Country Planning Act, have been taken into account. Given the consistency of the scheme with the Development Plan and weighing this against all other material planning considerations, the proposal is considered to be acceptable in planning terms subject to the detailed recommendation set out in section 2 (RECOMMENDATION).