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## Appeal Decisions

Site visit made on 12 August 2019

**by Tim Wood BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 3 September 2019**

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### **Appeal A: APP/L5240/W/19/3226429**

#### **45 High Street, Croydon CR0 1QD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Urban Investments Ltd against the decision of the Council of the London Borough of Croydon.
  - The application Ref 17/03318/FUL, dated 30 June 2017, was refused by notice dated 11 October 2018.
  - The development proposed is the conversion of an existing NHS walk in centre (D1) with ancillary offices on upper floors to student accommodation units (C2), 5 units in first floor and 4 units in second floor; additionally, the provision of waste and cycle storage at ground floor.
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### **Appeal B: APP/L5240/Y/19/3226467**

#### **45 High Street, Croydon CR0 1QD**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Urban Investments Ltd against the decision of the Council of the London Borough of Croydon.
  - The application Ref 17/03319/LBC, dated 30 June 2017, was refused by notice dated 11 October 2018.
  - The works proposed are the conversion of an existing NHS walk in centre (D1) with ancillary offices on upper floors to student accommodation units (C2), 5 units in first floor and 4 units in second floor; additionally, the provision of waste and cycle storage at ground floor.
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## **Decisions**

### *Appeal A*

1. The appeal is dismissed.

### *Appeal B*

2. The appeal is dismissed.

## **Preliminary Matter**

3. The appellant has submitted amended plans with the appeal which indicates alterations to the internal works proposed in the appeals. The Council has not objected to the consideration of these amendments for the appeals. I consider that no-one's interests would be prejudiced by my consideration of these amendments and that the principles established in the *Wheatcroft* case would

not be breached. The Council have confirmed that this would overcome the reason for refusal of the planning permission which relates to this matter (Reason 2).

### **Main Issue**

4. The main issue is whether there is a suitable means to secure a rental cap for the proposed student accommodation.

### **Reasons**

5. The appeal relates to this grade II listed building which is located in a central location within Croydon. The site is within the Central Croydon Conservation Area. The Council has acknowledged that the appeal site is in an appropriate location for the provision of student housing and raises no issue of the principle of the proposed development.
6. The appeal scheme would not be affiliated to any recognised college or university. The Council makes reference to the criteria for student accommodation in London which is set out in the GLA Housing Supplementary Planning Guidance (SPG) of March 2016 and updated in August 2017. Student accommodation which is affiliated to a college/university would have the rent level set (capped) by the institution. Non-affiliated accommodation would have to have the rent capped and the level would need to be reviewed annually in order for it to comply with the SPG.
7. Policies SP2.2 and SP2.7 of the Croydon Local Plan seek to provide for the different housing needs of its residents. The London Plan Policy 3.8 similarly seeks housing for residents in all their various forms and needs, including the student population. It recognises the need for such accommodation to be appropriately priced and seeks to ensure this through the provisions in the SPG. This sets out that the rental costs should be secured and managed through a legal agreement. Whilst I can see that some effort has been made in this respect, I have not been presented with an acceptable finalised Agreement or Undertaking and it is not for me to direct the appellant in this respect. As a consequence, there is no means by which to ensure that the rent level would be and would remain at an acceptable level and this is contrary to the above policy requirement.

### **Conclusions**

8. The works for the internal alteration of the building are acknowledged to be acceptable by the Council and I find no reason to come to a different view. However, the proposal is unacceptable as a result of the failure of the scheme to ensure that the rental levels would be at an acceptable level. Therefore, the proposal is unacceptable in this instance and so the appeals are dismissed.

*S T Wood*

INSPECTOR