

1. INTRODUCTION

- 1.1 This application is brought before Committee for Members' consideration as it has been called in for determination by the planning committee by Councillor Maurice Groves.

2. SITE AND SURROUNDINGS

- 2.1 The current application site (0.03 hectares) consists of a two-storey semi detached house in this cul-de-sac accessed from Garth Road. The surrounding area is predominantly residential in character
- 2.2 The ground floor of the house currently has a dining room [11.2 square metres]; lounge [13 square metres]; en suite bedroom [10.8 square metres] and kitchen area [20 square metres] with a rear garden of 70 square metres. Land at the front of the existing building covering 21 metres is hardstanding used as car parking for three cars.
- 2.3 At first floor level bedroom 2 has an area of 12.9 square metres with an additional en suite bathroom; bedroom 3 has an area of 12.5 square metres; bedroom 4 has an area of 8.1 square metres; a study has a floor area of 3.4 square metres and a bathroom is 5.7 square metres. In the loft space of the building bedroom 5 is 14.5 square metres with a separate shower room of 2.1 square metres
- 2.4 Parts of the application site are in flood risk zones 2 and 3. The site is not in an archaeological priority area. This site has a low public transport accessibility level (PTAL) of 1b and the site is not within a controlled parking zone

3. CURRENT PROPOSAL

- 3.1 The current application involves the change of use from a family dwelling house with five bedrooms (Use Class C3) to a house in multiple occupation for up to 10 people [Sui Generis] comprising six bedrooms and shared living room and kitchen facilities. Notwithstanding new refuse and recycling storage and bicycle storage the application does not involve any physical changes to the existing property either externally or internally to the layout of the existing accommodation.
- 3.2 The ground floor of the proposed accommodation involves the use of the dining room as a common living room and the use of the lounge as a bedroom with the existing kitchen and bedroom at ground floor level retained. At first floor level and in the loft space there are no changes to the use of the accommodation.

- 3.3 As well the need for planning permission, the proposed accommodation requires a separate licence from the Council's Environmental Health section under the provisions of the Housing Act. This licence includes assessing the standard of accommodation such as ensuring that there are a sufficient number of toilets, kitchens and bathrooms for the number of residents, and the size of the proposed rooms.
- 3.4 The Council's Environmental Health section under the Housing Act may use other conditions for regulating the management, use, occupation, condition or contents of the property, including in relation to anti-social behaviour. The Housing Act also places obligations on the owner of a house in multiple occupation with regards to the safety of electrical equipment; emergency lighting; fire detection and alarm systems.
- 3.5 The applicant has made an application to Environmental Health and the initial assessment has concluded that the accommodation is of a suitable standard and that a licence is likely to be approved.

4. PLANNING HISTORY.

- 4.1 In April 2013 planning permission was approved [LB Merton reference 13/P0286] for the erection of a single storey rear extension.
- 4.2 In June 2012 a certificate of lawfulness was issued [LB Merton reference 12/P0982] for the proposed conversion of the existing garage into a habitable room with associated external alterations.
- 4.3 In June 2003 planning permission was refused [LB Merton reference 03/P0839] for the erection of first floor side extension and rear dormer roof extension. Planning permission was refused for the following reasons:
- “The proposed two-storey extension would, by virtue of its siting, bulk and massing, appear unduly dominant in the Wydell Close Street scene, resulting in the loss of symmetry of the semi-detached pair, detrimental to the visual amenities of the surrounding area, contrary to Policies EB.23 and H22 of the Adopted Unitary Development Plan (April 1996), and Policies BE23, BE.28, and BE.29 of the Second Deposit Draft Unitary Development Plan (October 2000) and Supplementary Planning Guidance”.**
- 4.4 In October 2003 planning permission was refused [LB Merton reference 03/P1935] for the erection of first floor side extension and rear roof extension. Planning permission was refused for the following reasons:
- “The proposed two-storey extension would, by virtue of its siting, bulk and massing, result in the loss of symmetry of the semi-detached pair, detrimental to the visual amenities of the surrounding**

area, contrary to Policies EB.23 and H22 of the Adopted Unitary Development Plan (April 1996), and Policies BE23, BE.28, and BE.29 of the Second Deposit Draft Unitary Development Plan (October 2000) and Supplementary Planning Guidance”.

- 4.5 In December 2004 an appeal made against the refusal of planning permission for the application under reference 03/P1935 was allowed and planning permission approved for the erection of first floor side extension and rear roof extension.

5. CONSULTATION

- 5.1 The submitted planning application was publicised by means of a site notice, and individual consultation letters sent to 3 neighbouring properties. As a result of this consultation 6 responses have been received from two neighbours objecting to the proposal on the following grounds:

- The proposal will put additional pressure on existing high on-street parking demand with no off-street car parking shown;
- The proposal would lead to an increase in traffic in the local area;
- The proposal could be a possible source of noise and anti social behaviour associated with this type of business;
- The use of the building would impact upon the occupiers of the joined property;
- “Wydell Close is a very quiet, peaceful, friendly small close mainly occupied by families”;
- The proposal would lead to the loss of a property that in the local context provides a comparatively affordable family home.
- With shared facilities not favoured by professional tenants it is likely that occupancy will be transient with occupants not caring about the local area, the local community and not contributing to it.
- There has been insufficient public consultation on this proposal;
- There are a large number of flats and maisonettes in the local area and it is unclear how the applicant knows there is demand for the type of accommodation proposed.
- It appears that the development is designed to maximise the financial return for the applicant without thought any thought about the impact.
- The property is not designed for ten residents

- 5.2 LB Merton Transport Planning The proposal site is located on a cul de sac off a local distributor road outside of controlled parking zone restrictions. There is low public transport accessibility (PTAL 2). It is not possible to have permit free in this location. However, the site benefits from up to 3 off-street car parking spaces and given the nature of the use, it is not considered that it will lead to overspill parking issues. Conditions regarding the retention of parking for users of the building and the provision of secure cycle parking are recommended.

- 5.3 LB Merton Environmental Health The House in Multiple Occupation requires a separate licence that is issued by the Environmental Health team. The applicant has made an application to Environmental Health and the initial assessment has concluded that the accommodation is of a suitable standard and that a licence is likely to be approved.
- 5.4 Councillor Maurice Groves. There is an objection to the application on the following grounds:
- Car parking for occupants: Whilst there is a large front forecourt, which could accommodate 4 cars, it is likely that cars would park on the road as it would be easier.
 - Car parking for visitors: The parking required for occupants and visitors will result in parking on the sharp turn from Garth Road with this junction currently unsafe.
 - Noise and disturbance: “There could be excessive noise from a predominately younger clientele” in this currently quiet area that would harm neighbour amenity and lead to noise complaints.
 - Fire safety: The house does not have adequate facilities to ensure safety for future occupants in the event of a fire.

6. POLICY CONTEXT

- National Planning Policy Framework [March 2012]
- 6.1 The National Planning Policy Framework [NPPF] was published on the 27 March 2012 and replaces previous guidance contained in Planning Policy Guidance Notes and Planning Policy Statements. This document is a key part of central government reforms ‘...to make the planning system less complex and more accessible, and to promote sustainable growth’.
- 6.2 The NPPF supports the plan led system stating that development that accords with an up to date plan should be approved and proposed development that conflicts should be refused. The framework also states that the primary objective of development management should be to foster the delivery of sustainable development, and not to hinder or prevent development.
- 6.3 To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, the framework advises that local planning authorities need to approach development management decisions positively. Local planning authorities looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. The framework attaches significant weight to the benefits of economic and housing growth, the need to influence development proposals to achieve quality outcomes; and enable the delivery of sustainable development proposals.

- The London Plan [July 2011].
- 6.4 The relevant policies in the London Plan [July 2011] are 3.3 [Increasing housing supply]; 3.4 [Optimising housing potential]; 3.5 [Quality and design of housing developments]; 3.8 [Housing choice]; 3.9 [Mixed and balanced communities]; 6.3 [Assessing effects of development on transport capacity]; 6.9 [Cycling]; 6.10 [Walking]; 6.12 [Road network capacity]; 6.13 [Parking]; 7.2 [An inclusive environment]; 7.4 [Local character]; and 8.2 [Planning obligations].

- Mayor of London Supplementary Planning Guidance
- 6.5 The following supplementary planning guidance is considered relevant to the proposals: The Housing Supplementary Planning Guidance (2012).

- Policies retained in Adopted Unitary Development Plan [October 2003]
- 6.6 The relevant planning policies retained in the Adopted Unitary Development Plan [October 2003] are E2 [Access for disabled people]; HS1 [Housing layout and amenity]; BE.15 New buildings and extensions - daylight, sunlight, privacy, visual intrusion and noise; RN3 [Vehicular access].

- Merton Supplementary Planning Guidance
- 6.7 The key supplementary planning guidance relevant to the proposals is Planning Obligations [2006].

- Policies within Merton LDF Core Planning Strategy [adopted July 2011]
- 6.8 The relevant policies within the Council's Adopted Core Strategy [July 2011] are; CS.8 [Housing choice]; CS.9 [Housing provision]; CS.14 [Design]; CS.18 [Active transport]; CS.19 [Public transport]; and CS.20 [Parking; servicing and delivery].

7. PLANNING CONSIDERATIONS

- 7.1 The main planning considerations include assessing the principle of the development, the standard of residential accommodation, housing mix, the potential impact on neighbour amenity; refuse and recycling and Traffic generation and car parking

Principle of development.

- 7.2 Policy CS. 8 states that the Council will seek the provision of a mix of housing types sizes and tenures at a local level to meet the needs of all sectors of the community. This includes the provision of family sized and smaller housing units, provision for those unable to compete financially in the housing market sector and for those with special needs.

- 7.3 The application is in an area of predominantly family housing and the submitted proposal for a house in multiple occupation will increase the range of residential accommodation that is available locally. It is considered that the proposal providing accommodation for a different group in this area will improve the social mix locally.
- 7.4 The Mayor of London Supplementary Planning Guidance (2012) on housing advises at paragraph 3.1.16 “There are 19,000 registered dwellings in houses in multiple occupation in London and an estimated 150,000 in total. Collectively, these are a strategically important housing resource, providing flexible and relatively affordable accommodation through the private market. Outside London they are sometimes associated with concentrations of particular types of occupier e.g. students, leading to concerns about the social mix of some localities. In London, by contrast, the occupier profile tends to be more broadly based and HMOs play a particularly important role in supporting labour market flexibility (especially for new entrants), and in reducing pressure on publicly provided affordable housing. However, as elsewhere in the country, their quality can give rise to concern”.
- 7.5 The standard of the accommodation proposed as part of the current planning application is considered in the following section of this report.

Standard of accommodation

- 7.6 Policy CS. 8 within the Council’s Adopted Core Strategy [July 2011] states that the Council will require proposals for new homes to be well designed and located to create socially mixed and sustainable neighbourhoods. Policy HS.1 and BE.15 of the adopted Unitary Development Plan [2003] states that all proposals for residential development should safeguard the residential amenities of future occupiers in terms of providing adequate internal space, a safe layout and access for all users; and provision of adequate amenity space to serve the needs of occupants. Policies CS 8, CS9 and CS14 within the Council’s Adopted Core Strategy [2011] states that the Council will require proposals for new homes to be well designed.
- 7.7 The London Plan states that boroughs should ensure that new development reflects the minimum internal space standards as set out in table 3.3 of the London Plan. The standards are expressed in terms of gross internal area and supersede the individual room size standards provided within the Council’s Supplementary Planning Guidance – “New Residential Development” [1999].
- 7.8 The supporting text in the Council’s Adopted Core Strategy [paragraph 22.15] states that “New housing in the borough must be of a high quality, providing functional internal and external spaces that are fit for purpose, inclusive and flexible to meet the needs of various household types

- including small households, families and the ageing population. We will apply housing quality standards including minimum space standards to all new dwellings in the borough, including dwelling conversions and houses in multiple occupation (HMO's)".
- 7.9 In allowing planning appeals made against the Council's refusal of planning permission for the use of other properties as a house in multiple occupation [19 and 20 Jersey Road] a planning inspector stated that has as house in multiple occupation should not be considered against other planning size standards for self contained residential units.
- 7.10 Notwithstanding the Inspector's comments, and whilst individual room size standards have been superseded by the London Plan Gross Internal Area standards, in the absence of any other guidance, it is advised that the current proposal reflects the minimum bedroom size standards set out in the Council's Supplementary Planning Guidance [single bedrooms a minimum of 6.5 square metres, and a double bedroom a minimum of 11 square metres]. The proposal does not involve any physical changes to the existing building and the change of use of two ground floor rooms.
- 7.11 It is considered that the proposal provides a good standard of accommodation. The accommodation is well proportioned and provides a good sized communal lounge. Direct access to a private rear shared garden area would also be provided for future occupants. The layout of the accommodation makes good and efficient use of the space that is available with an appropriate internal layout and good provision of natural light to all habitable rooms.
- 7.12 Retained Unitary Development Plan policy HS.1 requires that all proposals for residential development provide adequate private amenity space to meet the needs of future occupiers. It is considered that the rear garden of the property (70 square metres) provides adequate external amenity space for future occupants.
- 7.13 The proposed house in multiple occupation would provide a satisfactory standard of accommodation for future occupiers in accordance with Policy HS.1 of the Council's Adopted UDP. Each habitable room would have good outlook, light and circulation, and the stacking and layout of rooms would minimise the potential impact of noise nuisance.
- 7.14 The standard of the proposed accommodation in terms of fire safety is considered separately by the Council's Environmental Health Section under the Housing Act.

Housing mix

- 7.15 Policy CS. 8 within the Council's Adopted Core Strategy [July 2011] states that the Council will seek the provision of a mix of housing types sizes and tenures at a local level to meet the needs of all sectors of the community. This includes the provision of family sized and smaller housing units.
- 7.16 The application site is located in an area, which is predominately family housing with relatively large terraced two storey properties. It is considered that the proposed accommodation, providing a different type of accommodation in this area, would increase the range and choice of residential accommodation available locally. It is considered that the current proposal would contribute towards the creation of a socially mixed and sustainable neighbourhood in accordance with Core Strategy policy CS8.

Neighbour amenity.

- 7.17 Retained policies HS.1 and BE15 of the adopted Unitary Development Plan [October 2003] state that all proposals for residential development should safeguard the residential amenities of occupiers of nearby properties including in terms of maintaining adequate daylight and sunlight to adjoining buildings and gardens, the protection of privacy; protection from visual intrusion and ensuring that development does not result in harm to living conditions through noise or disturbance.
- 7.18 The existing five-bedroom house currently provides accommodation for up to eight people [three double rooms and two single rooms] and this accommodation could currently be occupied by a large extended family without any requirement for planning permission. The current proposal involves providing accommodation for two additional persons with the use of the ground floor lounge as an additional sixth bedroom.
- 7.19 It is considered that the use of this semi-detached property as a house in multiple occupation will not result in harm to the living conditions of neighbouring occupiers through noise or disturbance that could not potentially arise from the existing use a single family dwelling.

Refuse and recycling

- 7.20 Core Strategy Policy CS 20 provides guidance in relation to facilities for refuse storage and collection. Core strategy policy CS 17 requires well designed recycling facilities to be incorporated in all new developments where appropriate. The submitted plans show refuse storage located to the front of the site and a planning condition is recommended to seek further details of this refuse and recycling storage and to ensure that this facility is retained.

Traffic generation and car parking

- 7.21 Policy CS20 of the Core Strategy [July 2011] states car parking should be provided in accordance with current maximum parking standards, whilst assessing the impact of any additional on street parking on vehicle movements and road safety. Policy 6.13 of the London Plan states that the Mayor wishes to see an appropriate balance between promoting new development and preventing excessive car parking that can undermine cycling, walking and public transport use.
- 7.22 The proposed accommodation is provided with three off street car parking spaces on the existing large front forecourt that has an existing vehicular access on to Wydell Close. The car parking is in accordance with the maximum car parking standards that are set out in the London Plan.
- 7.23 Given the nature of the use, it is not considered that it will lead to overspill parking issues and this view is supported by Merton Transport Planning officers. Any increase in parking pressure that may arise from the potentially higher level of occupancy can be safely accommodated on the existing road network.
- 7.24 In addition to the car parking the submitted plans show cycle parking provided on the front forecourt. A planning condition is recommended seeking further details of this storage and to ensure that it is provided.

8. ENVIRONMENTAL IMPACT ASSESSMENT

- 8.1 The application site is less than 0.5 hectares in area and therefore falls outside the scope of Schedule 2 development under the The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In this context there is no requirement for an Environmental Impact Assessment as part of this planning application.

9. LOCAL FINANCIAL CONSIDERATIONS

Mayor of London Community Infrastructure Lev

- 9.1 In this instance, the current proposal would not be liable for CIL.

Planning Obligations

- 9.2 Regulation 122(2) of the CIL Regulations 2010 (continued in the CIL Regulations 2011) introduced three tests for planning obligations into law, stating that obligations must be:
- necessary to make the development acceptable in planning terms;
 - directly related to the development;
 - fairly and reasonably related in scale and kind to the development.
- 9.3 If a planning obligation does not meet all of these tests it cannot legally be taken into account in granting planning permission and for the Local

Planning Authority to take account of S106 in granting planning permission it needs to be convinced that, without the obligation, permission should be refused.

- 9.4 It is considered that there are no planning obligations that would be applicable to this application.

10. CONCLUSION

- 10.1 The proposed development will increase the mix of residential accommodation that is available in this area with accommodation of a good standard that is considered acceptable in terms of the impact on residential amenity includes parking conditions locally. Accordingly, it is recommended that planning permission be granted subject to the planning conditions set out below.

RECOMMENDATION

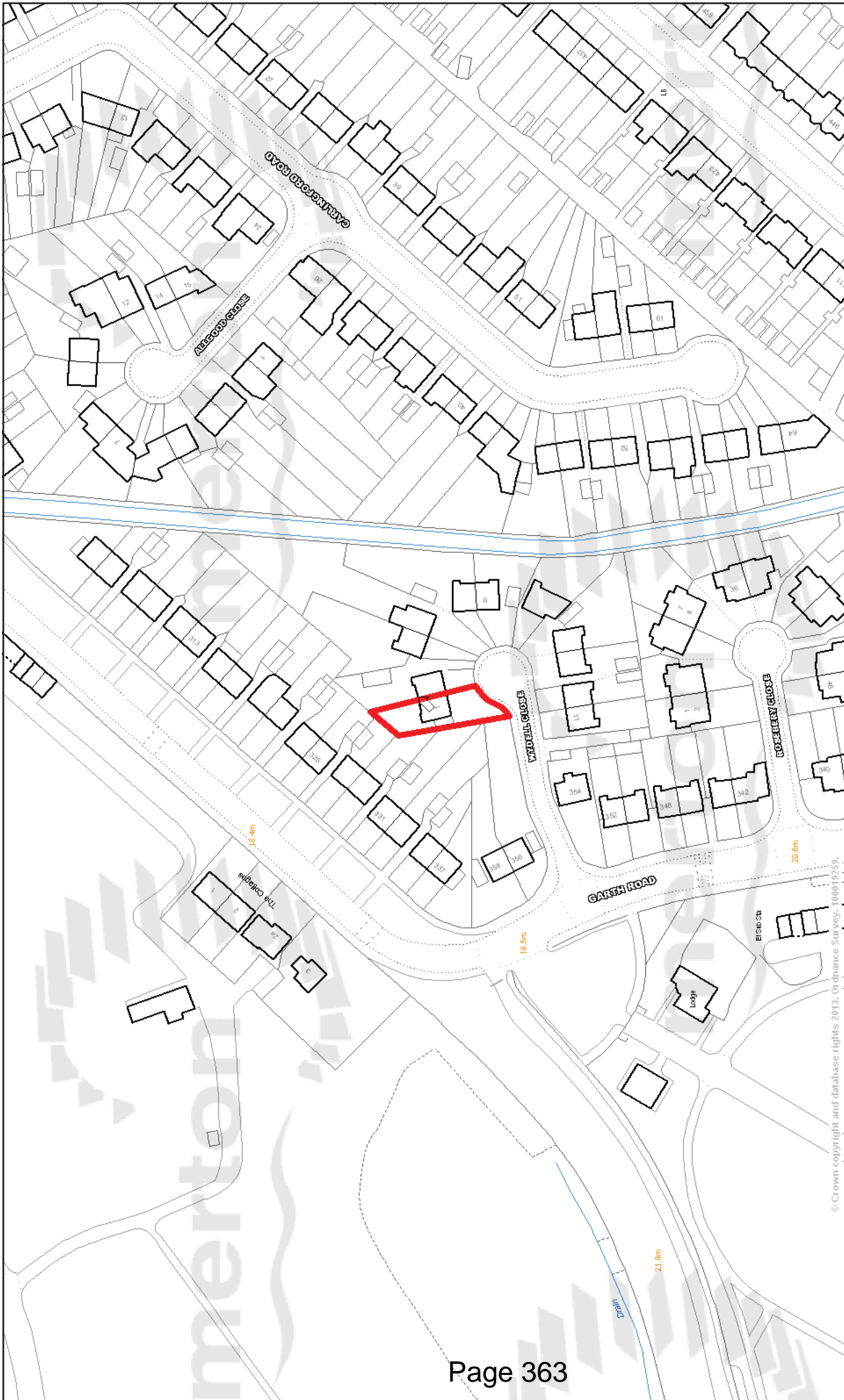
GRANT PLANNING PERMISSION subject to the following planning conditions.

1. Standard condition [Time period] The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission. Reason for condition: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.
2. Amended standard condition [Approved plans] The development hereby permitted shall be carried out in accordance with the following approved plans: 6263 01 and 6263 10A.. Reason for condition: For the avoidance of doubt and in the interests of proper planning.
3. Non standard condition [Cycle storage] Prior to first occupation of the HMO hereby permitted cycle storage shall be in place that is accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the cycle storage retained in accordance with the approved details permanently thereafter. Reason for condition: To ensure the provision of satisfactory facilities for the storage of cycles and to comply with policy CS18 of the Adopted Core Strategy [July 2011].
4. Non standard condition [Refuse and recycling facilities] Prior to first occupation of the HMO hereby permitted refuse and recycling facilities shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the refuse and recycling facilities retained in accordance with the approved details permanently thereafter. Reason for condition: To ensure the provision of satisfactory facilities for the storage of refuse and

recycling material and to comply with policies BE.15 and PE.11 of the Adopted Merton Unitary Development Plan 2003.

INFORMATIVES:

The applicant is advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application.



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Scale 1/1250

Date 26/11/2013

1 Wydeell Close

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DEVELOPMENT CONTROL

