

PLANNING APPLICATIONS COMMITTEE
19 June 2014

Item No:

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	14/P0787	28/04/2014
Address/Site:	14 Burley Close Streatham SW16 4QQ	
Ward:	Longthornton	
Proposal:	Change of use from a single house to an 8 bedroom house in multiple occupation.	
Drawing No's:	Attachments H, K & L	
Contact Officer:	Joyce Ffrench (020 8545 3045)	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	

CHECKLIST INFORMATION.

- S106: N/A
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Archaeological Priority Zone: No
- Flood zone:- No
- Controlled Parking Zone: No
- Conservation Area: No
- Trees: No trees will be affected.
- Number of neighbours consulted: 29
- External consultations – None
- PTAL: 2 [TFL Planning Information Database]
- Density: N/A
- Number of jobs created: N/A

1. INTRODUCTION

- 1.1 This application is brought before Committee for Members' consideration due to the high number representations received from local residents. It is considered that determination of the application by Officers would fall outside the scheme of delegation.

2. SITE AND SURROUNDINGS

- 2.1 The application site is a semi-detached property which has a two storey side/rear extension and an infill single storey rear extension.
- 2.2 The property was in use as a single dwellinghouse until December 2013 when it was extended and converted for use as a 6 bedroom HMO.
- 2.3 The property is neither in a flood risk area, nor a Conservation Area and has a PTAL rating of 2 (low to medium).

3 CURRENT PROPOSAL

- 3.1 The current application involves the change of use from a house in multiple occupation with 6 bedrooms to an HMO [Sui Generis] comprising eight bedrooms with shared kitchen facilities. Notwithstanding new refuse and recycling storage and bicycle storage the application does not involve any physical changes to the existing property externally as a single storey rear extension has been erected following approval under planning reference 13/P2721 last year.
- 3.2 The garage was converted last year to provide a 6 bedroom HMO and currently incorporates a lounge, an office and two bathrooms. Change of use from a single dwelling (Class C3) to a small HMO (Class C4) occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom is permitted under current planning controls.
- 3.3 Under the current proposals the lounge and office would be converted to bedrooms leaving the kitchen (30 sq.m) as the remaining communal space.
- 3.4 The upper floor currently has three bedrooms each with individual bathroom facilities. To the ground floor bedroom 4 has shower facilities in the room, bedrooms 5 & 6 share a bathroom and bedrooms 7 & 8 have en-suite facilities

- 3.5 The property has recently had a dropped kerb installed to the rear of the garage which allows up to 2/3 vehicles to be parked off-street
- 3.6 The garden has a remaining area of approx. area of 93.sqm. which has been reduced by the formation of the additional hardstanding area.
- 3.7 The proposals include a cycle storage areas to the front of the property and a shed in the rear garden; a refuse/recycling area is located to the front 'patio' area.
- 3.8 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.
- 3.9 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.

4. PLANNING HISTORY.

- 4.1 13/P2721 – Planning permission granted under delegated powers for the erection of a single storey rear extension and the conversion of the garage to a habitable room including alterations to elevations.

13/P1589 - application for a lawful development certificate for a proposed single storey rear extension – refused.

Reason for refusal:- the single storey extension, by reason of the proposed extension extending beyond the original flank wall, would exceed the permitted development tolerances set out in Schedule 2, Part 1, Class A of the Town & Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008. Planning permission would therefore be required.

88/P0334 - erection of extension at first floor level and garage to side of dwellinghouse - granted subject to conditions

Condition 2:- the garage(s) and/or car parking space(s) shown on the approved drawing garage shall be provided before commencement of the use of the land or building(s) hereby permitted and thereafter shall be kept free from obstruction and shall not be used for purposes other than the parking of vehicles in conjunction with the development hereby permitted.

MER369/78 – Planning permission granted for the erection of a single storey extension at the side of the house.

MER910/75 – Planning application for a two storey extension - garage, car port and kitchen with two bedrooms over - withdrawn

MER932/69 – Planning permission refused for a double garage.

5. CONSULTATION

5.1 The planning application was publicised by means of a site notice erected by the applicant and individual consultation letters sent to all the properties in Burley Close and the Longthornton & Tamworth Residents' Association. As a result of this consultation 14 letters have been received raising concerns as follows:-

- The proposal will put additional pressure on existing high on-street parking demand; the garage should be re-instated to absorb additional parking demand
- The road is narrow and emergency vehicles and refuse trucks already have difficulties accessing the Close
- The 'work' has already been completed
- Excess number of rubbish sacks blocking the pavement
- The scheme is a money making project at huge inconvenience to other residents
- The number of tenants could increase with additional 'partners/ family members'
- The proposal could be a possible source of additional noise
- There will be a potential frequent change of tenants
- The proposal is "not suitable for a residential area and is not in keeping with other houses on the road"
- The proposal would be "detrimental to the balance of a small cul-de-sac of mainly single occupancies of elderly and family residents"
- The condition on 13/P3721 should remain (i.e. condition 5 - *the converted garage and office described on approved drawing 3 Rev A shall not be occupied at any time other than for purposes incidental to the enjoyment of 14 Burley Close as a single dwelling*).

- 5.2 One late letter of support has been received from one of the residents of 14 Burley Close raising points as outlined below:-
- Parking is not a problem;
 - There is a contract to limit the number partners staying overnight as guests of residents.
 - Bin rotas are in place;
 - The landlord deals with problems promptly
- 5.3 LB Merton Transport Planning. The proposal site is located on a cul-de-sac with a low public transport accessibility (PTAL 2). It is not possible to place a permit free restriction on future occupiers in this location as the site is not in a CPZ. 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 would lead to overspill parking issues. Conditions regarding the provision of secure cycle parking are recommended.
- 5.4 LB Merton Environmental Health The House in Multiple Occupation requires a separate license that is issued by the Environmental Health team.

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]

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 (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].

Policies within Merton LDF Core Planning Strategy [2011]

- 6.7 The relevant policies within the Council's Adopted Core Strategy [July 2011] are; CS.8 [Housing choice]; CS.9 [Housing provision]; CS.18 [Active transport]; CS.19 [Public transport]; and CS.20 [Parking; servicing and delivery].

Emerging policies within the Draft Sites and Policies Plan Feb 2014.

- 6.8 Paragraph 216 of the National Planning Policy Framework advises that a decision maker may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan and the extent to which there are unresolved objections to relevant policies.
- 6.9 The London Borough of Merton draft 'Sites and Policies Plan' was considered by the independent Planning Inspector appointed by the Secretary of State at a public hearing in January 2014 and the final report was published on 4 June 2014. No changes are required to the February 2014 version 'Sites and Policies Plan (including all modifications) and the Plan is due to be formally adopted in July.

- 6.10 Relevant policies include:- DM D2 Design considerations in all developments

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. Properly managed and regulated HMOs can offer good quality affordable accommodation to people who cannot afford to buy their own homes and are not eligible for social housing.
- 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 It is considered that the proposal provides a good standard of accommodation for 8 persons. The accommodation is reasonably well proportioned. The smallest bedroom is 9.36sq.m. which exceeds the London Plan Housing SPG standards for a single room. The communal kitchen would be approximately 30 sq.m (SPG standard for combined living dining kitchen for 6 persons 31 sq.m).
- 7.10 The London Plan Housing SPG standards good practice guide states that 2 living/dining areas should be provided for houses with 5 persons or more. However, as the bedrooms all exceed basic space standards laid out in that document and have, excellent en-suite/bathroom facilities, the communal kitchen area is considered more than adequate. Direct access to a private rear shared garden area would 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.

- 7.11 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 (approx. 80 square metres) provides adequate external amenity space for future occupants.
- 7.12 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.
- 7.13 The standard of the proposed accommodation in terms of fire safety would be considered separately by the Council's Environmental Health Section under the Housing Act.

Housing mix

- 7.14 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.
- 7.15 The application site is located in an area which is predominately family housing and, in this road, is larger than surrounding 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.

- 7.16 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.

7.17 The existing property has provided accommodation for up to six people for the last 6 months. The current proposal involves providing accommodation for two additional persons with the use of the converted garage for additional bedrooms.

7.18 It is considered that the use of this semi-detached property as a larger house in multiple occupation would not result in undue harm to the living conditions of neighbouring occupiers through additional noise or disturbance that could not potentially arise from the use a 6 bedroom HMO which does not require planning permission.

Refuse and recycling

7.19 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

Traffic generation and car parking

7.20 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.

7.21 The proposed accommodation is provided with 2/3 off street vehicle parking spaces to the rear of the property. This is considered by Transport Planning to provide an adequate level of off-street parking. At the time of the site visit there was no evidence of parking stress in the Close.

7.22 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 and to ensure that it is provided.

8. Neighbour Objections

8.1 Relevant planning objections raised by neighbours have been addressed in the body of this report. The issue regarding the

number of persons could be dealt with by a condition limiting the number of people living and/or staying overnight in the property in the event that Members considered that there were sound and justifiable planning grounds. The issue raised with Condition 5 of planning permission 13/P2721, restricting the use of the extension, would be superseded in the event that planning permission is granted.

9. ENVIRONMENTAL IMPACT ASSESSMENT

9.1 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.

**10. LOCAL FINANCIAL CONSIDERATIONS
Mayor of London Community Infrastructure Lev**

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

11. CONCLUSION

11.1 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. Properly managed and regulated HMO's can offer good quality affordable accommodation to people who cannot afford to buy their own homes and are not eligible for social housing. Across London HMO's are recognized as a strategically important housing resource, providing flexible and relatively affordable accommodation through the private market. 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: Attachments H, K & L 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 The use of the application property as a House in Multiple Occupation shall only accommodate up to 8 occupants. Reason for the Condition. In order to ensure that the proposal provides a suitable standard of residential accommodation in accordance with policy HS.1 of the Adopted Merton Unitary Development Plan 2003 and to safeguard neighbour amenity.

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.



London Borough of Merton
 100 London Road
 Morden
 Surrey
 SM4 5DX

Scale 1/1250
 Date 3/6/2014

14 Burley Close

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DEVELOPMENT CONTROL

14 Burley Close - Proposed Change of Use

OFF-STREET VEHICLE PARKING PROVIDED FOR UP TO 3 CARS/PUS MOTORBIKES DROPPED KERB ALREADY BUILT (SEE PLANS)

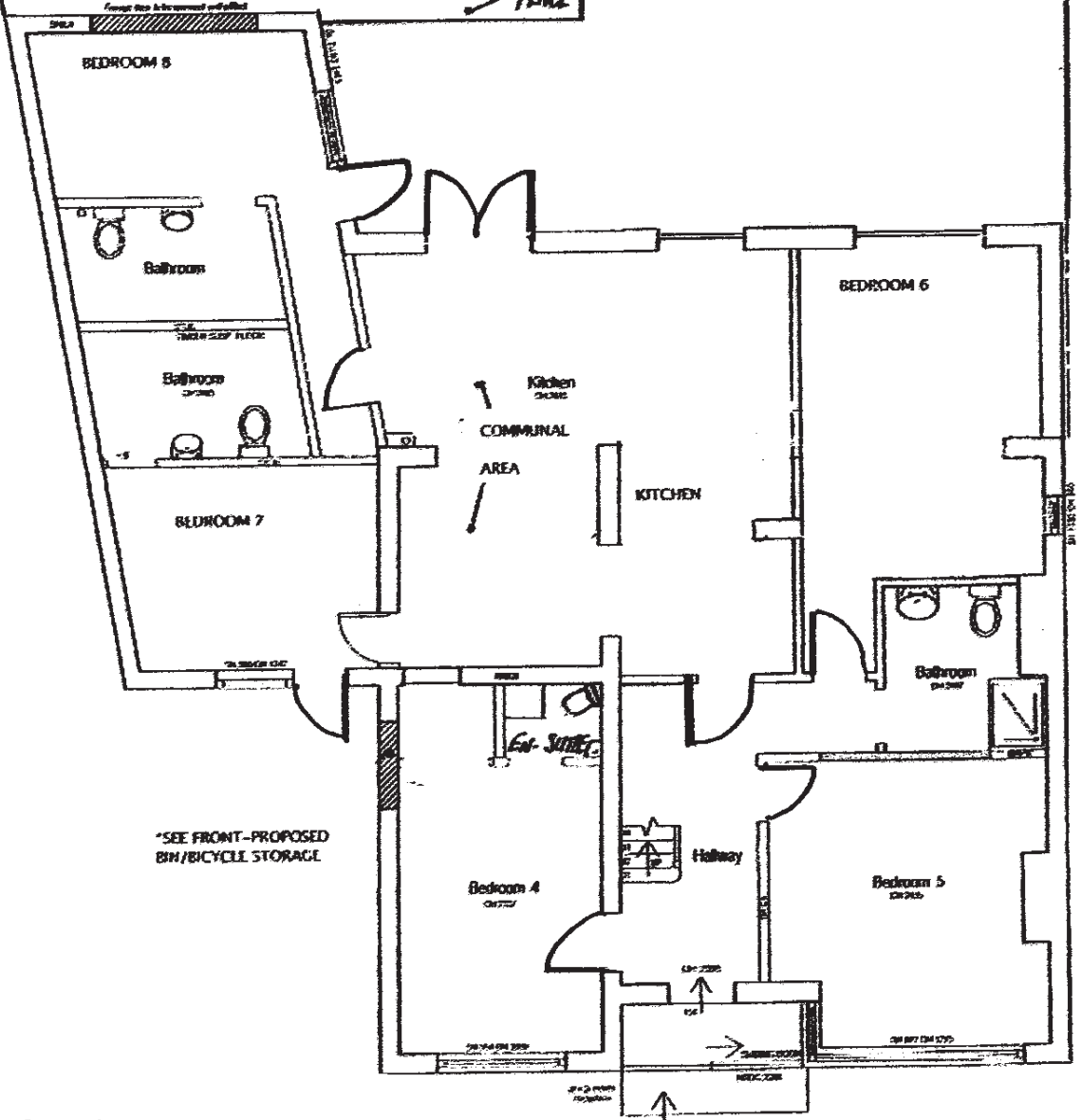
PEA-SHINGLE BASE WOODEN FENCE TOTAL AREA 8.5M x 6.2M

ADDITIONAL REAR BIKE-SHED HT 1.3M

2.13M x 1.22M

GARDEN - LAWN AND BORDER

PROPOSED CHANGE OF USE APPLICATION: 14/0787 GROUND FLOOR PLAN INCLUDING VEHICLE, BIN AND BICYCLE AREAS

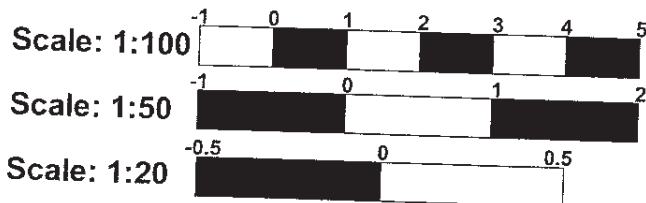
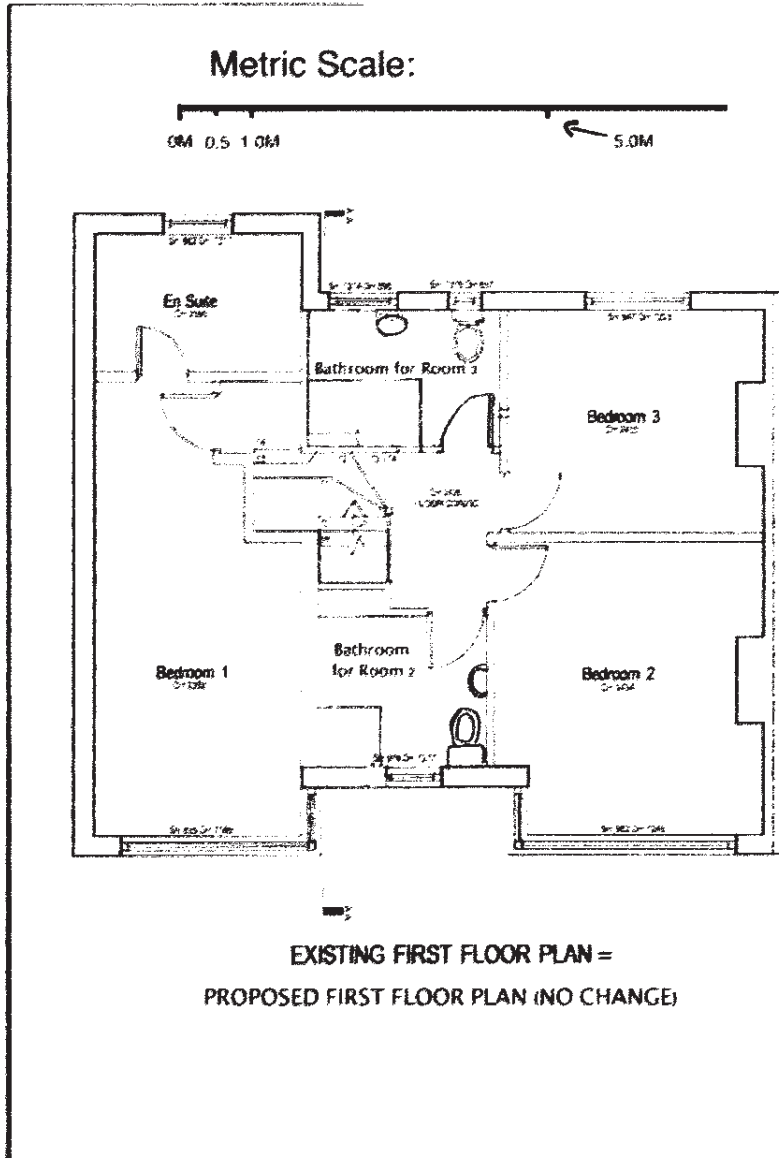


*SEE FRONT-PROPOSED BIN/BICYCLE STORAGE

PROPOSED GROUND FLOOR

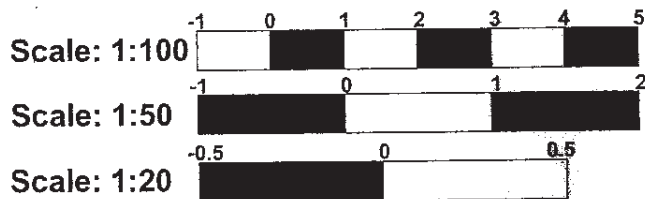
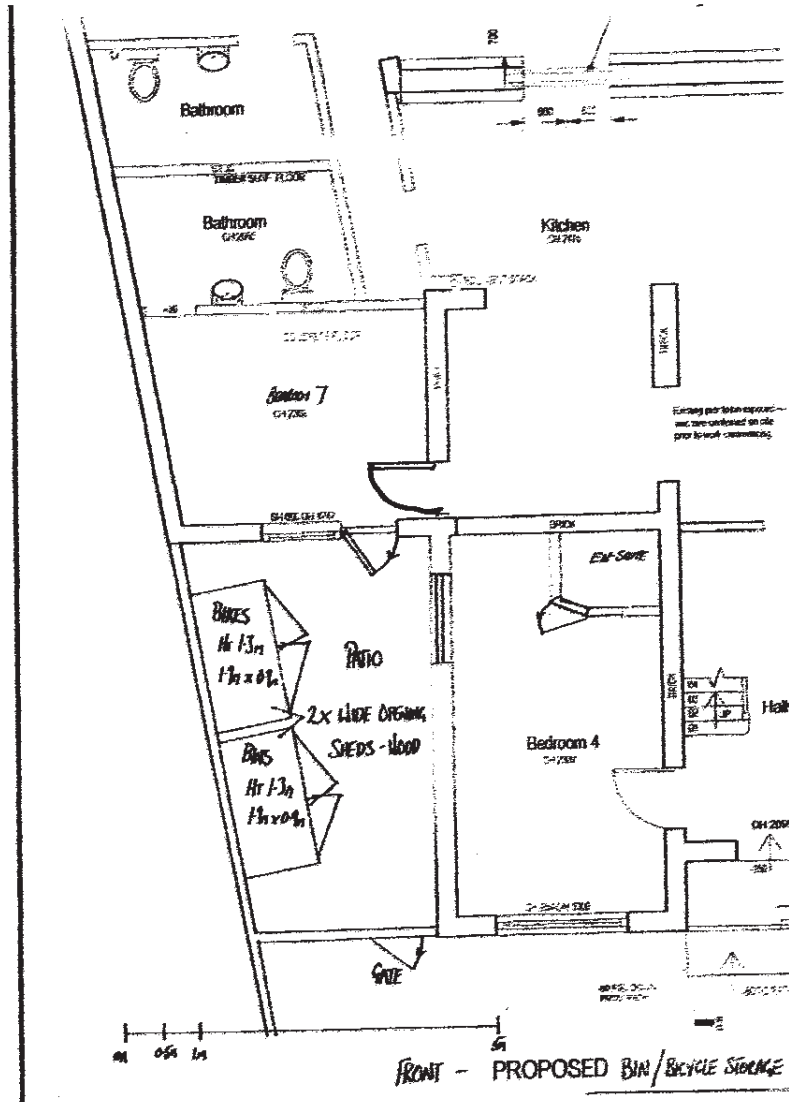


28 APR 2014



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187 Floor



9 APR 2014