

## PLANNING APPLICATIONS COMMITTEE

25 APRIL 2024

CASE OFFICER REPORT

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
24/P0137	25/01/2024
<b>Site Address:</b>	11 Streatham Road, Mitcham, CR4 2AD
<b>Ward:</b>	Figges Marsh
<b>Proposal:</b>	APPLICATION FOR THE CONVERSION OF DWELLINGHOUSE (C3) INTO AN 5 BEDROOM, 5 PERSON HMO (C4) INCLUDING NEW FRONT BOUNDARY WALL WITH INTEGRATED REFUSE STORE, CYCLE STORAGE AND ASSOCIATED WORKS.
<b>Drawing Nos:</b>	See condition 2
<b>Contact Officer:</b>	Lan Pham (020 8545 4292)

---

## RECOMMENDATION

**GRANT Planning permission subject to conditions**

---

## CHECKLIST INFORMATION

Is a screening opinion required	No
Is an Environmental Statement required	No
Press notice	No
Site notice	Yes
Design Review Panel consulted	No
Number of neighbours consulted	5
External consultations	Yes
Internal consultations	Yes
Controlled Parking Zone	No
Conservation Area	No
Archaeological Priority Zone	No

Public Transport Accessibility Rating	4
Tree Protection Orders	No

---

## **1. INTRODUCTION**

- 1.1.1 This application is being brought to the Planning Applications Committee at the request of Councillor Natasha Irons. The application is subject to a requirement for planning permission because the site is in an area where the article 4 directions has removed the permitted development rights for the conversion of homes (Use Class C3) to HMO (Use Class C4), therefore the proposal is subject to a requirement for planning permission.

## **2. SITE AND SURROUNDINGS**

- 2.1.1 The application site comprises a two-storey semi-detached dwelling located on the south-eastern side of Streatham Road. The property does benefit from a single storey rear extension and a single storey rear detached garage/outbuilding on the eastern border of the site. The site already been converted into a 6-bed 6-person HMO, however as the application site is located within the Figge's marsh ward of the Borough, the article 4 direction removed permitted development rights and therefore planning permission is required.
- 2.1.2 9 Streatham Road is located west of the site and forms the partnering property of the semi-detached property. The property is currently operating as a dentist, benefiting from a two-storey side and a part two part single storey rear extensions.
- 2.1.3 To the east of the application site is 13 Streatham Road, which benefits from a single storey rear garage/outbuilding, access from the shared access with the site.
- 2.1.4 The site is not located within a conservation area nor is it in anyway listed. The site is not located within a controlled parking zone and has a public transport accessibility level (PTAL) of 4 (0 being the lowest and 6b being the best).
- 2.1.5 The site is within Flood Zone 1 but is within an area at risk of ground water flooding, as detailed in the Council's Strategic Flood Risk Assessment.
- 2.1.6 The application site is located within the Article 4 Direction area which was introduced in November 2022 which removed permitted development rights for the conversion of homes (Use Class C3) to small houses in multiple occupation (Use Class C4) in seven wards in Merton:
- Colliers Wood
  - Cricket Green
  - Figge's Marsh
  - Graveney
  - Lavender Fields
  - Longthornton
  - Pollards Hill

### 3. **CURRENT PROPOSAL**

3.1.1 The proposal is for the conversion of dwellinghouse (C3) into an 5 bedroom, 5 person HMO (C4) including new front boundary wall with integrated refuse store, cycle storage and associated works.

3.1.2 On the ground floor there would be three single occupancy ensuite bedrooms and a communal kitchen/dining room, providing access to the rear garden.

3.1.3 The first floor would have two single occupancy ensuite bedrooms and a kitchen.

3.1.4 There are no additions proposed to the building through this application.

3.1.5 Accommodation

Bedroom	No. of occupants	Gross internal area (GIA – m2)	Council min SPD standard	Compliant
1	1	10.71	7.5	Yes
2	1	10.31	7.5	Yes
3	1	10.2	7.5	Yes
4	1	12.98	7.5	Yes
5	1	10.71	7.5	Yes
Shared Kitchen	5	16.85 + 12.13	15	Yes

Habitable Rooms total: 5

3.1.6 A new bin store area to the frontage of the site will be added as part of the new boundary wall enclosure. An enclosed cycle store has been moved to the rear garden area.

3.1.7 Internal waste has also been identified at the request of the chair of planning committee.

### 4. **HISTORY**

4.1.1 The previous planning application, 23/P2062 sought planning permission for the conversion of the property into a 6 bed, 6 person HMO. However, that application was refused on the 24<sup>th</sup> of October 2023 for the following reasons:

- The proposals by reason of unsatisfactory layout and substandard size and absence of windows to the main communal spaces of the property, specifically the kitchen, would create a poor standard of internal environment for occupiers of the C4 HMO. The proposal would therefore be contrary to policies DM D2 of the Sites and Policies Plan 2014, and policies CS 8, CS9 and CS14 within the Council's Adopted Core Strategy 2011
- The proposals by reason of lack of satisfactory layout/access to external amenity space to meet the likely needs of future occupiers the scheme the proposal would fail to provide an acceptable standard of accommodation and living space resulting in a cramped and

unsatisfactory standard of accommodation to the detriment of the amenities of future occupiers of the HMO. The proposal would therefore be contrary to policies London Plan 2021 policy D6, CS 9 & CS.14 in the Merton Core Strategy 2011, Policy DM D2 of the Merton Sites and Policies Plan 2014

- In the absence of an air quality statement, the applicant has failed to demonstrate that the development would be air quality neutral, thereby failing to comply with policy S1 of the London Plan 2021.
- In the absence of a site specific flood risk assessment commensurate to the nature and scale of the development the scheme is considered to increase risk of flooding in the locality contrary to the aims and objections of, in particular, London Plan policy SI 13, Merton Core Strategy (2011) policy CS16 and Merton Sites and Policies Plan (2014) policies DM F1 and DM F2.

4.1.2 The application before members of the planning committee is for a HMO with one less bedroom, so a 5 bed, 5 person HMO. The reduction in the number of bedrooms and a change of internal layout has sought to overcome the refusal reasons relating to 23/P2062. Details will be discussed later in the report.

## **5. CONSULTATION**

5.1 Consultation letters were sent to 5 neighbouring properties and a site notice was posted. 4 objections were received with the following points:

5.1.1 Increased Population Density

- Exacerbating issues relating to parking, waste disposal and overall detriment to the residential character and amenities
- Despite the reduction from the previous application this does little to reduce the increase in population density/ the number of people living in this part of the street in the conversion of a family house to an HMO with five separate rooms for five individuals, who may themselves share that accommodation with others.
- There is no guarantee that the 'single' rooms will not accommodate up to ten people in total. We consider this to be an overconcentration 'detrimental to residential character and amenity' which will lead to pressure on parking, waste disposal and other issues.

5.1.2 Infrastructure Strain

- Including risk to drainage and wastewater systems through overuse by numbers of individuals it was not designed to cope with.
- Old pipes that have been blocked

5.1.3 Excessive Proliferation of HMOs

- Undermining the residential character of the area
- There is already an over proliferation of HMOs in the area and in our

personal experience we have noted the growth in the conversion of family homes to HMOs. As above, we cannot see how this supports the 'residential character' of the area

#### 5.1.4 Precedent for Unregulated Development

- Giving developers the green light to convert family homes into HMOs with minimal scrutiny, oversight, or community consultation, potentially bypassing existing planning and enforcement standards.

#### 5.1.5 Inappropriate Use and Management of Premises

- Raising serious concerns about a host of issues including antisocial behaviour, property damage, noise disturbances, child safeguarding, and the suitability of the existing HMO structure for housing vulnerable children without a current licence to operate this business or scrutiny from regulatory bodies.
- Numerous call-outs to and attendance by police and ambulance services to deal with ongoing issues in recent months suggest much public funding is currently being wasted.
- After the last few months, the neighbourhood is on edge, and we are apprehensive that these patterns will be repeated over the coming years through an unregulated and unmanaged business operating in our community whatever the character of the occupancy.
- Police have knocked on neighbour properties in regards to a resident of no.11 about a missing teen.
- Since September 2023 there has been a 14-year-old girl with behavioural and emotional challenges being kept at the house under supervision of Melburay staff. She has escaped twice and is currently still at large. The local Police and Ambulance Service have attended the property on numerous occasions to deal with anti-social behaviour such as breaking of windows and smashing up of furniture by the incumbent.
- 11 Streatham is currently leased out to Yellowstone Healthcare Ltd, a private commercial company which has subcontracted, we believe, to Melburay Healthcare for use as a 'half-way house' medical facility for rehabilitation into the community of young patients who may be suffering from various kinds of mental and emotional disorder and ill-health or be in the later stages of addiction recovery

#### 5.1.6 Anti-Social Behaviour and Crime

- We have caught on video and in person a number of intruders coming down our driveways by day and night to urinate near the shared garages or on one occasion, we suspected, to shoot up with drugs though that individual was disturbed before she could evidence what we understood to be her intention.
- We are concerned that there is an environment of anti-social behaviour centred on this stretch of the road which this development does not help reduce. We note that there have been calls for an updated planning

condition relevant to Designing out Crime and question whether a Design Out Crime survey in consultation with the local Police, whose time is constantly being wasted by the above-mentioned activity, has been considered with this development given what has taken place over recent months. As things stand on this issue, we see this unwelcome development as a clear risk for the future.

#### 5.1.7 Waste

- The approach to waste disposal by the occupants of 11 Streatham also gives rise for concern. There are a number of bins on the forecourt but a very large amount of general rubbish is produced by the occupants weekly and it has taken months to try and get Melburay staff to deal with recycling appropriately, putting different materials into the correct containers despite active support from neighbours.
- This week there were plastic bags and containers of rotting food all over the shared drive with 13 Streatham Road where bin men (or animals) had tipped out contents of food from waste containers which of course should not contain plastic. This will of course attract foxes, rats and other vermin. Rubbish of all types is often strewn round the site from overloaded bins giving the front garden area the flavour of a rubbish tip and of dereliction, encouraging anti-social activity.

#### 5.1.8 Trees

- There is a huge black poplar tree in the rear garden which we estimate as in excess of 25 metres (80 ft) tall, perhaps taller. This tree dominates the rear aspect of all our properties in this section of the neighbourhood and is a haven for birds and wildlife. Another smaller tree, a sycamore, on the boundary fence with #9 was cut down at an early stage of the development work, along with every other shrub and plant in the rear garden which is now entirely laid out with artificial turf. These trees are clearly shown on the Flood Risk Assessment report by Stone and Brick Solutions from which the photo below is extracted. The tree in question is the one nearest the bottom edge of the picture. The tree next to it nearer the house was the one cut down by builders in 2022. The tree at the front of the house nearest to the street still survives.

### 5.2 **Internal Consultees:**

#### **LBM Waste Services**

5.2.9 The dwellings would be on the alternate weekly wheeled bin service, collection service the same as those neighbouring properties on Streatham Road.

The bin storage they suggested would be confirmed following the successful application for an HMO certificate.

#### **LBM Highway Officer**

5.2.10 Recommended Conditions – H9, INF9 AND INF12

## 6. POLICY CONTEXT

### List of relevant planning policies

#### **National Planning Policy Framework (2023)**

- Chapter 5 Delivering a sufficient supply of homes
- Chapter 8 Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places

#### **London Plan 2021**

- Policy D3 Optimising site capacity through the design-led approach
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D6 Housing quality and standards
- Policy D7 Accessible housing
- Policy H9 Ensuring the best use of stock
- Policy H10 Housing size mix
- Policy SI 12 Flood risk management
- Policy T4 Assessing and mitigating transport impacts
- Policy T5 Cycling
- Policy T6 Car parking
- Policy T6.1 Residential parking

#### **Merton Core Strategy (2011)**

- Policy CS 8 Housing Choice
- Policy CS 9 Housing Provision
- Policy CS 16 Flood Risk Management
- Policy CS 17 Waste Management
- Policy CS 18 Active Transport
- Policy CS 20 Parking, Servicing and Delivery

#### **Merton Sites and Policies Plan (2014)**

- DM H2 Housing mix
- DM H3 Support for affordable housing
- DM H5 Student housing, other housing with shared facilities and bedsits
- DM D1 Urban design and the public realm
- DM D2 Design considerations in all developments
- DM T1 Support for sustainable transport and active travel
- DM T2 Transport impacts of development

- DM T3 Car parking and servicing standards

**Other guidance:**

- London Housing SPG - 2023
- London Character and Context SPG - 2014
- London Borough of Merton Houses in Multiple Occupation (HMO) Requirements (Revised July 2021)

**7. PLANNING CONSIDERATIONS**

7.1.1 The principal planning considerations in this case relate to the impact that the proposed development would have on the existing building, the character of the local area, the impact that it would have on the amenity of neighbouring residents and future occupiers.

**7.2 Principle of development**

7.2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise.

7.2.3 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. Property managed and regulated Houses in Multiple Occupation can offer good quality affordable accommodation to people who cannot afford to buy their own homes and are not eligible for social housing.

7.2.4 Policy H9 of the London Plan notes that HMO accommodation is a strategically important element of London's housing offer although it does acknowledge that it's quality can give rise to concern. In terms of the standard of accommodation for the HMO, this is largely addressed under Licencing requirements as opposed to through the planning system.

**History**

7.2.5 Members will note within the planning history section of this report that the applicant applied for a 6 bedroom, 6 person HMO under a full planning permission but this was refused (refusal reasons below and how the scheme, before members, has overcome those reasons). The application before the members of the planning committee has been assessed on 5 bedrooms which are single bedrooms in terms of size and therefore designed for 1 occupant per bedroom, so a total of 5 persons. The level of occupancy would be set out in the decision notice and controlled via a planning condition. Should the applicant wish to increase the number of persons within the HMO this would be subject of a separate application and assessed on its own merits.

**Previously refused application.**



7.2.6

Officers consider that the proposed scheme has fully addressed all the previous refusal reasons (reason underlined). Note, the refusal reasons relating to previous application was for a 6 bed, 6 person HMO, current application has reduced number of bedrooms to 5 bed, 5 person HMO.

The proposals by reason of unsatisfactory layout and substandard size and absence of windows to the main communal spaces of the property, specifically the kitchen, would create a poor standard of internal environment for occupiers of the C4 HMO. The proposal would therefore be contrary to polices DM D2 of the Sites and Policies Plan 2014, and policies CS 8, CS9 and CS14 within the Council's Adopted Core Strategy 2011.

Officer comment – Room changed at ground floor to dinning/kitchen space with windows. All rooms meet space standards and all residents have direct access to rear garden.

The proposals by reason of lack of satisfactory layout/access to external amenity space to meet the likely needs of future occupiers the scheme the proposal would fail to provide an acceptable standard of accommodation and living space resulting in a cramped and unsatisfactory standard of accommodation to the detriment of the amenities of future occupiers of the HMO. The proposal would therefore be contrary to policies London Plan 2021 policy D6, CS 9 & CS.14 in the Merton Core Strategy 2011, Policy DM D2 of the Merton Sites and Policies Plan 2014

Officer comment – See above

In the absence of an air quality statement, the applicant has failed to demonstrate that the development would be air quality neutral, thereby failing to comply with policy S1 of the London Plan 2021.

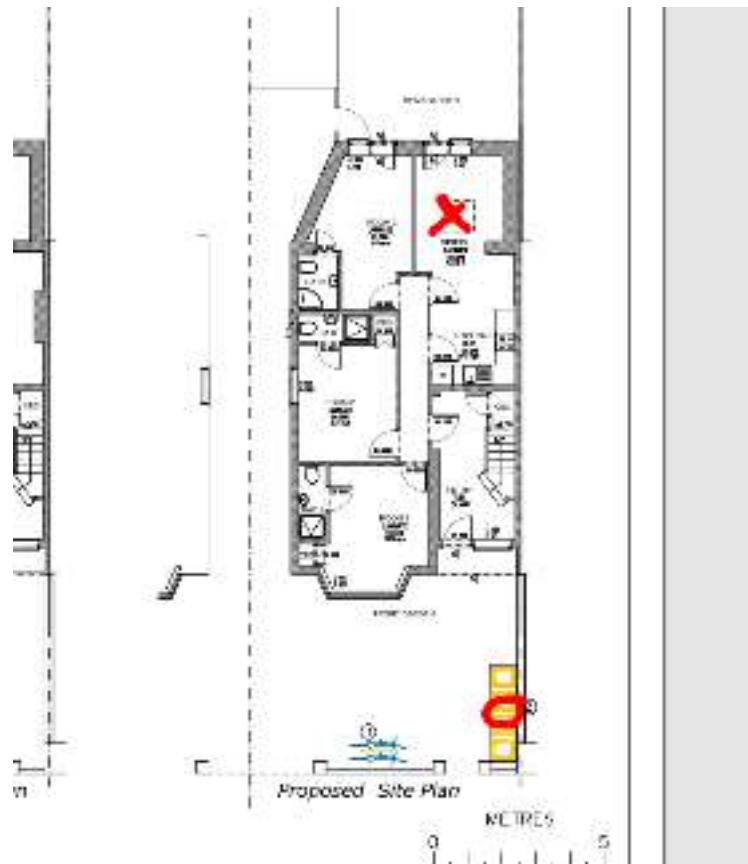
Officer comment – Provided

In the absence of a site specific flood risk assessment commensurate to the nature and scale of the development the scheme is considered to increase risk of flooding in the locality contrary to the aims and objections of, in particular, London Plan policy SI 13, Merton Core Strategy (2011) policy CS16 and Merton Sites and Policies Plan (2014) policies DM F1 and DM F2.

Officer comment – Provided

7.2.7

The applicant has removed one of the bedrooms (marked as X) and made into a living space (solves the previous refusal). Officers have also secured amended plans to ensure the tree in the front garden is retained, bin store to form part of front boundary wall and moved cycle store to rear garden.



### 7.3 Change of use

7.3.8 The proposal has received representations involving the use of the site as a care facility rather than a standard HMO. The applicants agent has been contacted for further clarification; the applicant has provided the following statement:

- The site is a standard HMO with 5 unrelated individuals living in the property as their only or main residence, who share basic amenities such as a kitchen, toilet or bathroom.
- Occupants will not require any support or staff being present on site or staff members sleeping within the accommodation to assist other occupants.
- Firstly, the sourcing of tenants includes rigorous testing and investigations. This means that tenants will be well behaved people. Secondly, any antisocial behaviour will be dealt with promptly and the tenants will be held to account.
- The development description has also included that the site would be for 5-bedrooms 5 persons as agreed upon with the applicant's agent

7.3.9 Officers have sought clarification from the applicant on this point on a number of occasions given the content of the objections raised. As set out above, the applicant has clearly stated that the proposed use is for a standard HMO with no care facilities or staff being present. They have also stated that they will take action to limit and resolve any antisocial tenants/behaviour incidents should they

occur. Members must note that as part of the planning application process, officers can only assess an application with the information as submitted and assess material planning consideration in accordance with adopted planning policies of the land (unless material planning considerations state otherwise). The behaviour of existing or future tenants, whether good or bad, is not a planning consideration to consider as there is no meaningful way to make that judgment (for example not all HMO tenants are bad). The matter of antisocial behaviour is however covered by the Councils Housing Department when issuing an HMO licence (separate process from planning). The Councils licensing officer has confirmed that as part of any licence agreement, the following conditions apply (note – this forms part of the licence agreement currently at 11 Streatham Road):

“The License holder must deal with anti-social behaviour within the premises under the terms of the Tenancy Agreement”

&

“The Licence holder or Manager must notify the Council and the Police of any anti-social behaviour outside the building and must work with them to eliminate it”.

7.3.10 The proposed HMO only requires planning permission due to the existing Article 4 direction in the area. Whilst the article 4 direction does not prevent HMO accommodation, it allows the Council to assess HMO standards if the site is located within one of the 7 wards in Merton where the article 4 direction is active. Therefore, officers have the ability to assess the quality of the HMO as part of a formal planning application. Any planning approval can therefore be subject of planning conditions. In this instance, a planning condition stating that permission relates to a 5 bedroom, 5 person HMO would ensure that the development must be carried out in accordance with the approved plans and any conditions. In this instance, the proposed plans and submission of material from the applicant has confirmed that the proposed is for a standard HMO with 5 bedroom and for 5 persons. It must be noted that any breaches of planning controls can be subject of enforcement action.

#### **7.4 Impact on existing building**

7.4.11 The proposals do not involve any additions to the existing building. The additional facilities that would be required, namely the cycle storage, would be accommodated in the rear garden and the refuse store would be to the forecourt from where there is direct access out to Streatham Road. Consequently, it is considered that the impact on the appearance of the existing building would be minimal.

#### **7.5 Impact on the character of the area**

7.5.12 The NPPF, London Plan policies D3 and D4, Core Strategy policy CS 14 and SPP Policy DM D2 require well designed proposals which make a positive contribution to the public realm, are of the highest quality materials and design and which are appropriate in their context. Thus, development proposals must respect the appearance, materials, scale, bulk, proportions and character of their

surroundings

7.5.13 Policy DM H5 of the Site and Policies (July 2014) aims to create socially mixed communities, catering for all sectors of the community by providing a choice of housing with respect to dwelling size and type in the borough. The policy states that Houses in Multiple Occupation Housing will be supported provided that the following criteria are met:

7.5.14 **The proposal will not involve the loss of permanent housing;**

*Officer comment*

The current lawful use of the existing application property is as a single dwelling. A house in multiple occupation is a form of permanent housing where occupants have their own bedrooms, have access to shared facilities and take care of their own everyday needs. Paragraph 2.59 in the Supporting text to the policy also states that short stay accommodation is intended for occupancy of less than 90 days. The proposal is therefore, considered acceptable in regard to this criteria.

7.5.15 **The proposal will not compromise the capacity to meet the supply of land for additional self-contained homes;**

*Officer comment*

The current application involves the use of existing building and will therefore not compromise any capacity to meet the supply of land for additional self-contained homes.

7.5.16 **The proposal meets an identified local need;**

*Officer comment*

HMO accommodation is considered to be a viable source of housing for many people, which can meet personal preferences (short term accommodation for example) and provides a source of accommodation for those with restricted options for other types of housing. The Councils Housing Stock Condition and Stressors Report September 2022 states that:

“Shared HMOs tend to be the cheapest form of private housing available and have traditionally been occupied by single adults, however in recent years many more couples and children reside in HMOs. Pressure on affordable housing and higher rates of homelessness has driven demand for this type of dwelling”.

The Councils Housing Delivery Strategy 2022-2027 highlights the difficulty for people to secure housing:

“...the high costs of private renting and house purchase relative to local incomes is the main barrier to securing a suitable home for many households. While demand is met effectively by the market for many, this is not the case for households at or below median income levels. Improving affordability is therefore a key goal and the priorities and actions identified in this document place a strong emphasis on homes at social or London Affordable Rent levels and delivery of a higher proportion of these than is currently achieved. Market and intermediate options will also be needed but, to some extent at least, the former will be delivered without the need for significant intervention and delivery of the latter is already at an acceptable level. The key question, therefore, is what the council can do, alone and in partnership, to shift delivery in a direction more attuned to local needs and local incomes.

While not directly a matter for this exercise, there is a need to identify the groups that new supply aims to assist. In the short term it will not be possible to meet all needs, so it will be necessary to prioritise and to explain the basis for decisions”

7.5.17 HMO's are not technically affordable housing, in planning policy terms, it nevertheless in reality provides a more affordable form of accommodation for many people. Whilst the Council are actively looking at increasing affordable housing in the Borough through both planning policy (new local plan) and direct delivery (in partnership), it is unlikely to fulfil all the demand for such housing. Therefore, other types of affordable accommodation still have an important role in meeting housing demand. In this instance, officers consider that the proposed HMO accommodation meets an identified local need.

7.5.18 **The proposal will not result in an overconcentration of similar uses detrimental to residential character and amenity;**

*Officer comment*

It is noted that Councillor Natasha Irons has raised concerns relating to The over proliferation of HMOs in the Figge's Marsh ward and the anti-social behaviour and use of property

In relation to the number of registered HMOs in the area in the CR4 2- - postcode area there are 81 registered HMOs, this would cover both the Figge's Marsh and Graveney wards. In Streatham Road there are 13 properties that are registered HMOs including the proposed site (see map below showing some HMO's close to the application site – black dot represents the application site – red dot represents other registered HMO properties).



### HMO's in the area

#### Streatham Road (13)

- 11 Streatham Road
- 14 Streatham Road
- 37 Streatham Road
- 51 Streatham Road
- 66 Streatham Road
- 72 Streatham Road
- 104 Streatham Road
- 130 Streatham Road
- 198 Streatham Road
- Flat 1, 205A Streatham Road
- 205 Streatham Road
- Jubilee Guest House, 219A Streatham Road
- 249 Streatham Road

#### Graham Avenue (1)

- 56 Graham Avenue

Graham Road - None

In addition, the Councils Houses in Multiple Occupation Planning Guidance Supplementary Planning Document 2023 (not yet adopted) sets out examples of where HMO accommodation is suitable and not, this assessment is known as the Sandwich Test.

The Sandwich Test (paragraph 6.3 – 6.4)

6.3 Where C3 residential properties are sandwiched between two HMOs, issues commonly associated with HMOs regarding disturbance and impact on amenity can be intensified. This test ensures there is a balance of dwellings and prevents the potential for negative impacts upon existing dwellings. Planning permission would not be granted where the introduction of a new HMO would result in an existing residential property (C3) being sandwiched by any adjoining HMOs on both sides.

6.4 The diagrams below indicate how this principle would be applied.



In the example above the proposed HMO (at number 22) would result in a neighbouring non-HMO property (number 20) being sandwiched between two HMOs. This would not be acceptable.



In the example above the proposed HMO (at number 18) would not result in a non-HMO property being directly sandwiched between two HMOs. This would be acceptable in principle.



In the example above the proposed HMO would result in a row of three HMOs. This would not be acceptable.





In the example above, whilst the proposed HMO (at number 28) would result in a row of three consecutive HMOs, the property is sandwiched between two existing HMOs. It is considered that allowing this property to convert to a HMO would solve an existing problem of a single home being sandwiched between two HMOs. This would be acceptable in principle.

7.5.19 The proposed HMO would not result in any properties being sandwich as demonstrated from the sandwich test as set out above (single house adjoining and dentist on the other half of the semi-detached property). In addition, there are at least 265 properties in Streatham Road, this would only be the 13<sup>th</sup> HMO in Streatham Road, which in comparison to the overall number of properties in Streatham Road is relevantly low (HMO's around 5% of the housing type in this road). As a result of the proposed development, the majority of the housing stock in this area would remain as single family houses. Therefore, whilst officers acknowledge that the local community have raised concerns with HMO accommodation, officers consider that permission cannot be reasonably refused on overconcentration and impact on residential character and amenity grounds.

7.5.20 **The proposal complies with all relevant standards;**

Officer comment

The proposal complies with relevant standards including those set out in the London Borough of Merton Houses in Multiple Occupation (HMO) Requirements (Revised July 2021)

7.5.21 **The proposal is fully integrated into the residential surroundings;**

Officer comment

The current application does not include any external alterations other than cycle parking and bin storage. It is therefore considered that the proposal is fully integrated into the residential surroundings.

## **7.6 Impact upon neighbouring amenity**

7.6.22 Planning policy CS policy 14 of Merton's Core Planning Strategy and policy DM D2 of Merton's Sites and Policies Plan seek to ensure new developments does not unacceptably impact on the amenities of the occupiers of any adjoining and nearby surrounding properties. Planning policy DM D2 (Design considerations in all developments) states that amongst other planning considerations that proposals will be expected to ensure provision of appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy, to both proposed and adjoining buildings and gardens.

7.6.23 Policy DM EP2 (Reducing and mitigating noise) states that development which would have a significant effect on existing or future occupiers or local amenity due to noise or vibration will not be permitted unless the potential noise problems can be overcome by suitable mitigation measures.

### Noise & Disturbance

7.6.24 During the consultation period, objections have been received that raise concerns with antisocial behaviour occurring at the property. It has been claimed that the property has been used as a care facility. As set out above, officers have sought clarification from the applicant about the proposed use. The application has confirmed the following:

- The proposed HMO, will be a standard HMO with 5 unrelated individuals living in the property as their only or main residence, who share basic amenities such as a kitchen, toilet or bathroom.
- Occupants will not require any support or staff being present on site or staff members sleeping within the accommodation to assist other occupants.
- Firstly, the sourcing of tenants includes rigorous testing and investigations. This means that tenants will be well behaved people. Secondly, any antisocial behaviour will be dealt with promptly and the tenants will be held to account.

7.6.25 Officers acknowledge that HMO accommodation can sometimes generate disturbance to neighbours (evidence shows Merton received more complaints from HMO accommodation than other sources of housing), but this would depend on the individuals creating that disturbance. However, this can also be true for other types of housing, including single family homes. Given the variables in tenants behaviour (some good, some bad) from a planning perspective, officers cannot reasonably refuse planning permission on these grounds. At the time of writing, officers understand that there have been no recent incidents. Should this not be true or there are continued incidents of antisocial behaviour, then the Council would require evidence to be gathered and presented to the

Council Housing Department. As set out above, the terms of the HMO licence include conditions relating to antisocial behaviour.

7.6.26 In this instance, the proposed HMO would pass the Sandwich Test as set out in the report above, with the other half of the semi-detached property being a commercial use (so no loss of amenity) and the other adjacent residential property (13 Streatham Road) being separated by a side access (which provides some level of separation from the application site). Considering all the above factors, whilst officers have noted the concerns raised by neighbours and Cllr Irons, there would be very limited grounds to refuse planning permission.

7.6.27 9 Streatham Road – Figge’s Marsh Dental Practice

7.6.28 9 Streatham Road is located west of the site and forms the partnering property of the semi-detached property. No extensions are proposed under the current application. The only external alterations would include bin and cycle storage facilities that would be located in the front and rear garden respectively. These are modest structures and have been designed to respect the property and street scene. Given the fact that this neighbour is commercial, there would be no loss of amenity. In any event, the proposed development would have a limited impact on this neighbour in terms of the physical changes proposed.

7.6.29 13 Streatham Road

7.6.30 13 Streatham Road is located east of the site, being separated from the application site by a side access. No extensions are proposed under the current application. The only external alterations would include bin and cycle storage facilities that would be located in the front and rear garden respectively. These are modest structures and have been designed to respect the property and street scene. The proposed development would therefore have a limited impact on this neighbour’s amenity in terms of the physical changes proposed.

## **7.7 Standard of accommodation**

7.7.31 London Plan policy H9 notes that the quality of some HMO properties can be a cause for concern whilst policy D3 requires that developments achieve indoor and outdoor environments that are comfortable and inviting for people to use. As noted above, certain standards of accommodation are addressed through the requirement to licence an HMO.

7.7.32 In terms of the assessing the standard of accommodation, the Councils SPD creates standards which go beyond Merton’s HMO Licencing department. In this instance, single room letting with a shared kitchen and a shared living/room/dinning room would require a bedroom area of at least 7.5sqm and a kitchen area of at least 15sqm (3sqm per occupant). In this instance, each of the bedrooms receives appropriate levels of light and outlook, all include ensuite bathrooms and have a floor area of at least 10.2sqm. In addition, the shared living spaces would include a 16.85m<sup>2</sup> kitchen/dining area, on the ground floor with direct access to a good-sized rear garden area and another 12.13sqm kitchen at first floor level. As set out above/below, the proposed HMO meets (exceeds) the Councils standards and is therefore considered to offer a good standard of HMO accommodation (as witnessed by the case officer on his site visit). The Council’s HMO officer also has confirmed no objection to the proposal

as it would meet their requirements/standards (licence already permitted).

Table 1 - Internal Room Size Standards

Room Type	Number of Occupants	Size
Single Room Lettings Where Cooking and Washing Facilities Are Situated in the Room	1 Person	13m <sup>2</sup> or more
	2 Persons	20.5m <sup>2</sup> or more
Single Room Lettings with Shared Kitchen	1 Person	10.22m <sup>2</sup> or more
	2 Person	15m <sup>2</sup> or more
	Kitchen	3m <sup>2</sup> per person
Single Room Lettings with Shared Kitchen and a Shared Living/ Dining Room	1 Person	7.5m <sup>2</sup> * or more
	2 Person	10.22m <sup>2</sup> or more
	Kitchen	3m <sup>2</sup> per person
Two Room Lettings Comprising Combined Living/ Bedroom and Separate Kitchen (not Shared)	1 Person	10.22m <sup>2</sup> or more for living/ bedroom 4.5m <sup>2</sup> or more for Kitchen
	2 Persons	15m <sup>2</sup> or more for living/ bedroom 7m <sup>2</sup> or more kitchen
Greater Than Two Room Lettings (not Shared)	Each Bedroom	7.5m <sup>2</sup> * or more (1 person) 10.22m <sup>2</sup> or more (2 persons)
	Each Kitchen	4.5m <sup>2</sup> or more (1 person)
	Each Additional Room	7.5m <sup>2</sup> * or more (1 person)

\* The requirements for a 1-person room to achieve 7.5m<sup>2</sup> is in accordance with London Plan policy D2 (2021). This standard is higher than that outlined in the Merton Licensing standards document. All standards should be viewed as a minimum and applicants should look to exceed them.

## Proposal

Bedroom	No. of occupants	Gross internal area (GIA – m2)	Council min SPD standard	Compliant
1	1	10.71	7.5	Yes
2	1	10.31	7.5	Yes
3	1	10.2	7.5	Yes
4	1	12.98	7.5	Yes
5	1	10.71	7.5	Yes
Shared Kitchen	5	17.11 + 12.5	15	Yes

## **7.8 Refuse facilities**

7.8.33 As set out in the Councils SPD, appropriate refuse storage must be provided for developments in accordance with policy CS 17 of the Core Strategy. Emerging Local Plan Policy W14.4 also supports the objectives of sustainable waste management set out by the NPPF and London Plan.

7.8.34 London Plan Policies SI7 and SI8 also dictate that developments should include adequate, flexible, and easily accessible storage space and collection systems that support, as a minimum, the separate collection of dry recyclables (at least card, paper, mixed plastics, metals, glass) and food.

- 7.8.35 Applications for HMOs must clearly demonstrate that adequate space for waste storage will be provided. The bin storage must be sufficient to meet the needs of the future occupiers. Where adequate bin provision is not provided or has been provided and is not used, enforcement notices under licensing can be served.
- 7.8.36 Applications should be accompanied by a site plan showing the location, size, and type of bin store. The storage should be well integrated with the surrounding property and street scene.
- 7.8.37 The provision of sufficient off-street storage ensures that bins are accessible and do not obstruct footways, especially for people with mobility or mental health problems that make it difficult to navigate obstacles, block accesses or carriageways. Bins should be moved onto the front edge of the property on collection days.
- 7.8.38 The number and type of bins appropriate for the occupancy level is listed below. Where occupancy exceeds the numbers below, officer judgement for appropriate bin provision will be used.

Bin Type	HMO Occupancy	Bin Size/Number
 Non-recyclable household waste	4x occupants	180L wheelie bin per fortnight for Refuse
	5x occupants	240L wheelie bin per fortnight for Refuse
	6 & 7x occupants	240L+180L wheelie bins per fortnight for Refuse
	8 & 9x occupants	2x 240L wheelie bins per fortnight for Refuse
 Paper and Card	4x occupants	180L wheelie bin per fortnight for paper/card
	5x occupants	240L wheelie bin per fortnight for paper/card
	6 & 7x occupants	240L wheelie bin per fortnight for paper/card
	8 & 9x occupants	360L wheelie bin per fortnight for paper/card
 Recycling Boxes	4x occupants	2x 55L mixed recycling caddies per fortnight
	5x occupants	
	6 & 7x occupants	4x 55L mixed recycling caddies per fortnight
	8 & 9x occupants	
 Food Waste (External)	4x occupants	23L caddies for food waste per week (provision to be increased where need is identified)
	5x occupants	
	6 & 7x occupants	
	8 & 9x occupants	

The council also offer an optional and chargeable, fortnightly collection service for garden waste.

Table 2- Bin Sizes

- 7.8.39 The proposed development would incorporate an enclosed bin store at the front

of the property which would be designed into the front wall. This would ensure that the bin enclosure is of a high standard and well integrated with the surrounding property and street scene. The submitted plans show 2 x 240l general waste and 2 x 240l recycling which would exceed (double) the standards above for 5 persons. Further details of recycling boxes and food waste can be submitted as part of a planning condition. In addition, the applicant has updated their plans to show space within the unit for internal refuse storage. The Councils Waste Officer has confirmed no objection and officers are therefore content that the amount of refuse storage is appropriate for the intended number of occupants.

## **7.9 Parking and Highways considerations**

- 7.9.40 Planning Policy T1 (Strategic approach to transport) of the London Plan 2021 states that the delivery of the Mayor's strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041. All development should make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and ensure that any impacts on London's transport networks and supporting infrastructure are mitigated.
- 7.9.41 Planning Policy DM T2 (Transport impacts of development) of Merton's Sites and Policies Plans seeks to ensure that development is sustainable and has minimal impact on the existing transport infrastructure and local environment.
- 7.9.42 Car Parking
- 7.9.43 The application site has an average level of accessibility to public transport with a PTAL rating of 4. The application site is also not located in a Controlled Parking Zone.
- 7.9.44 Therefore, in this instance, officers do not consider that a permit-free agreement can be justified or enforced as there is no CPZ in place. Given the acceptable scale of the development it is considered that there would be no harm to the local highway network. Given the acceptable scale of the development it is considered that there would be no harm to the local highway network.
- 7.9.45 Cycle Parking
- 7.9.46 Cycle storage is required for new development in accordance with London Plan policy T5 and table 10.2 and Core Strategy policy CS18. Cycle storage should be secure, sheltered and adequately lit; for a 5-bedroom 5-persons HMO, 2 cycle spaces would be required.
- 7.9.47 The London Cycling Design Standards Chapter 8 para.8.5.3 states that access to cycle stores should be simple and should not be less than 1.2m in width. The cycle area is accessed through side access to the rear garden, which demonstrates that there is space for the cycle storage. It is considered that the proposal would comply with this policy with 2 secure covered cycle spaces provided at the rear of the property.

## **7.10 Flooding and site drainage**

- 7.10.48 London Plan policy SI 13, CS policy CS16 and SPP policies DM F1 and DM F2 seek to minimise the impact of flooding on residents and the environment and

promote the use of sustainable drainage systems to reduce the overall amount of rainfall being discharged into the drainage system and reduce the borough's susceptibility to surface water flooding.

7.10.49 The site is within Flood Zone 1 (low probability of flooding) but is within an area at risk from ground water flooding.

7.10.50 The application is accompanied by a Flood Risk Assessment, given that there are no external alterations proposed to the site, there is limited opportunity to implement SuDS.

7.10.51 The Flood Risk Assessment goes onto recommend that it is not required to implement flood mitigation measures, given that the proposal will not change the impermeable footprint of the site post-development

## **7.11 Air Quality**

7.11.52 The whole of Merton is an Air Quality Management Area (AQMA).

7.11.53 The application is accompanied by an Air Quality Assessment which sets out that predicted pollutant levels were below the relevant criteria across the development. As such, the site is considered suitable for the proposed end use from an air quality perspective. Potential emissions from the proposals were assessed in order to determine compliance with the air quality neutral requirements of the London Plan. The building energy strategy does not produce emissions to atmosphere. In addition, the proposals are predominantly car free (only 2 spaces onsite). As such, the development was considered to be air quality neutral. Based on the assessment results, air quality issues are not considered a constraint to planning consent for the proposals.

7.11.54 The proposal is considered to be acceptable in terms of air quality.

## **7.12 Biodiversity**

7.12.55 Policy G6 of the London Plan sets out that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. As no physical changes are proposed, biodiversity gains are limited in this instance and therefore no objection can be made.

## **8. ENVIRONMENTAL IMPACT ASSESSMENT**

8.1.1 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of EIA submission.

## **9. CONCLUSION**

9.1.1 It is considered that the proposed HMO would offer good quality affordable accommodation to people who cannot afford to buy their own homes and may not be eligible for social housing. Whilst there are other HMOs in the local area, officers do not consider there to be an overconcentration of HMO's in the vicinity and as such the prevailing character of the area remains single family houses and flats.

9.1.2 Whilst officers have considered to the objections raised from neighbours and Cllr

Irons in regards to disturbance from the existing HMO, the proposal would see a reduction in the number of occupants from 6 to 5 and there would be no solid grounds to refuse planning permission on potential disturbance.

9.1.3 The proposal involves no additions to the existing building and the refuse and cycle facilities are considered to respect the host building, street scene and neighbour amenity.

9.1.4 Officers consider that the proposal is acceptable in planning terms, subject to conditions and therefore the recommendation is for approval.

## **10. RECOMMENDATION**

10.1 **GRANT** planning permission subject to conditions:

1. Comments of development (Full Permission) – 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: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. Approved Plans - The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan and drawings SR.11.LP, SR.11.EX.PR.SP - Rev-B, SR.11.PR.01 - Rev-B, SR.11.PR.02

Reason: For the avoidance of doubt and in the interests of proper planning

3. Refuse & Recycling (Details to be Submitted) - No development shall take place until a scheme for the storage of refuse and recycling (including new boundary wall) has been submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be occupied until the scheme has been approved and has been carried out in full. Those facilities and measures shall thereafter be retained for use at all times from the date of first occupation.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with the following Development Plan policies for Merton: policies T4 and T7 of the London Plan 2021, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

4. Cycle Parking to be implemented - The development hereby permitted shall not be occupied until the cycle parking shown on the plans hereby approved has been provided and made available for use. These facilities shall be retained for the occupants of and visitors to the development at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy T5 of the London Plan 2021, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 20145 Bed/Person



## HMO

5. No refuse or waste material of any description shall be left or stored anywhere on the site except within the designated internal waste storage area, or specified refuse enclosure.

Reason: To safeguard the appearance of the property and the amenities of the area and to comply with policy DMD2 of Merton's Sites and Policies Plan 2014

6. D11 Construction Times – No demolition, construction or conversion work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.

7. Use - The property shall be solely occupied as a 5 bedroom 5 persons House in Multiple Occupation (HMO) and for no other purposes within Use Class C4 as specified in the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision revoking or re-enacting that order, unless otherwise agreed in writing with the local planning authority.

Reason: To accord with terms of this application, safeguard local road and parking conditions and residential amenity of nearby occupants and to comply with policies D4 and T5 of the London Plan 2021, policies DM D2 and DM T1 of Merton's Sites and Policies Plan 2014

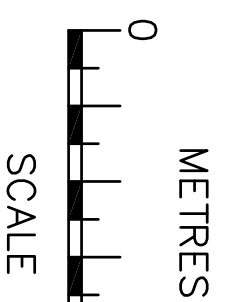
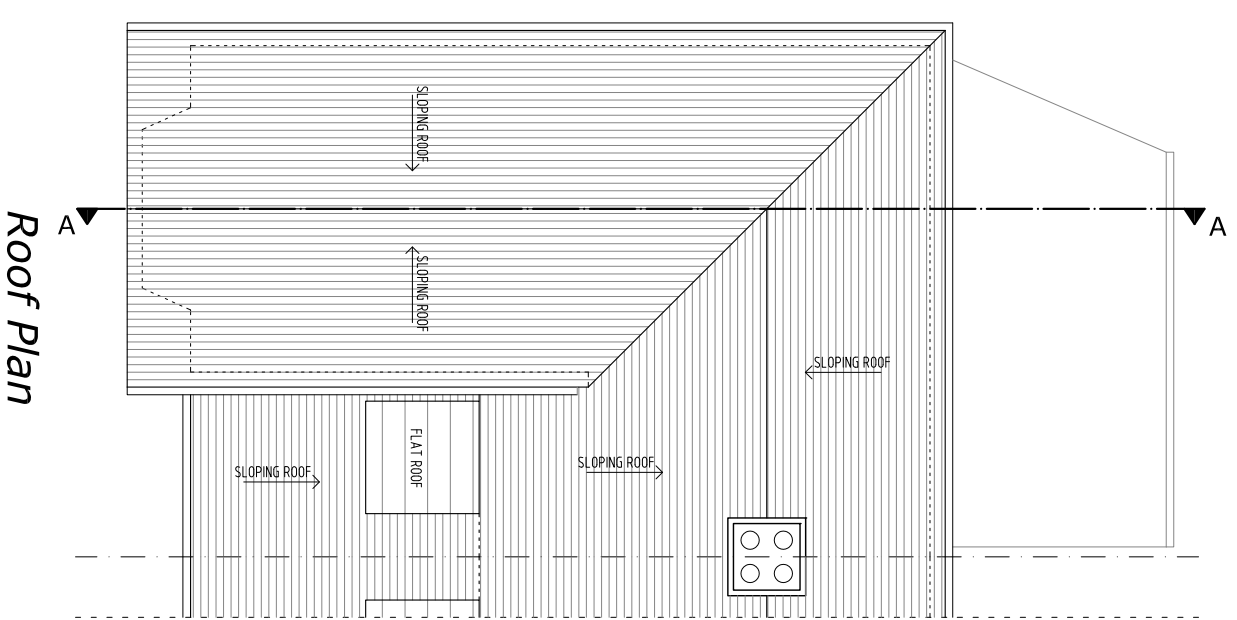
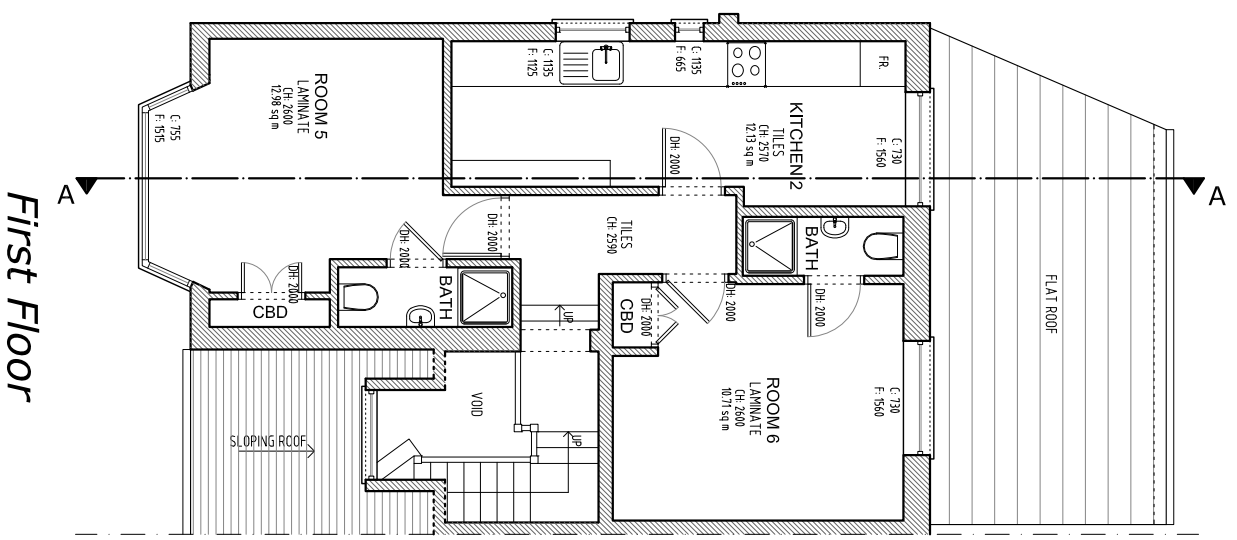
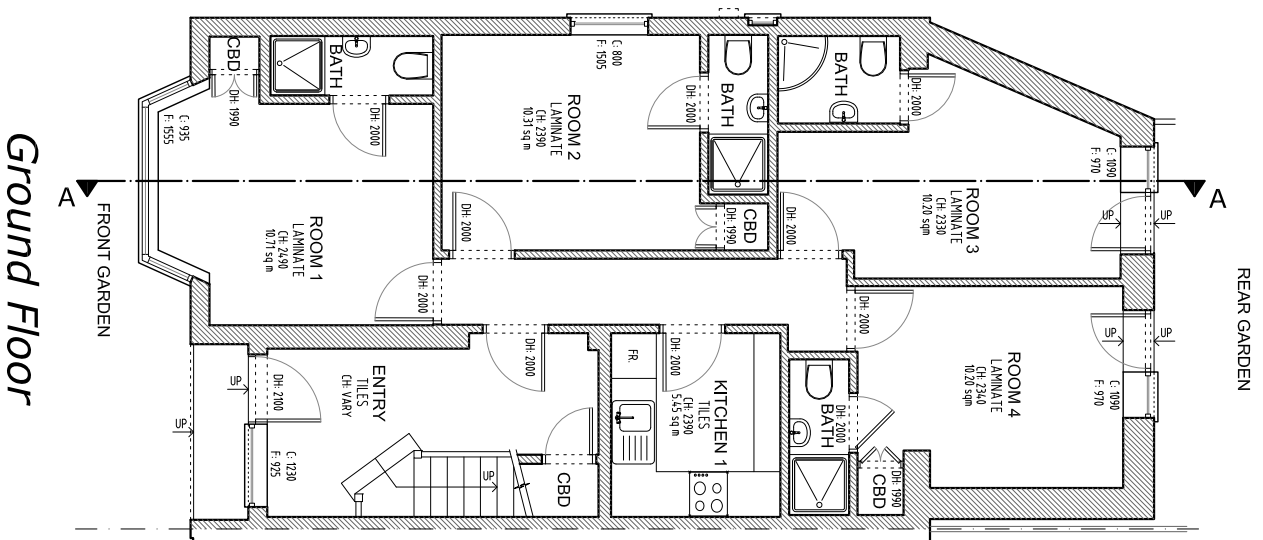
8. In accordance with paragraph 38 of the NPPF, The London Borough of Merton (LBM) takes a positive and proactive approach to development proposals focused on solutions. LBM works with applicants/agents in a positive and proactive manner by:
  - i) Offering a pre-application advice and duty desk service.
  - ii) Where possible, suggesting solutions to secure a successful outcome.
  - iii) As appropriate, updating applicants/agents of any issues that may arise in the processing of their application

# NORTHGATE SE GIS Print Template




This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

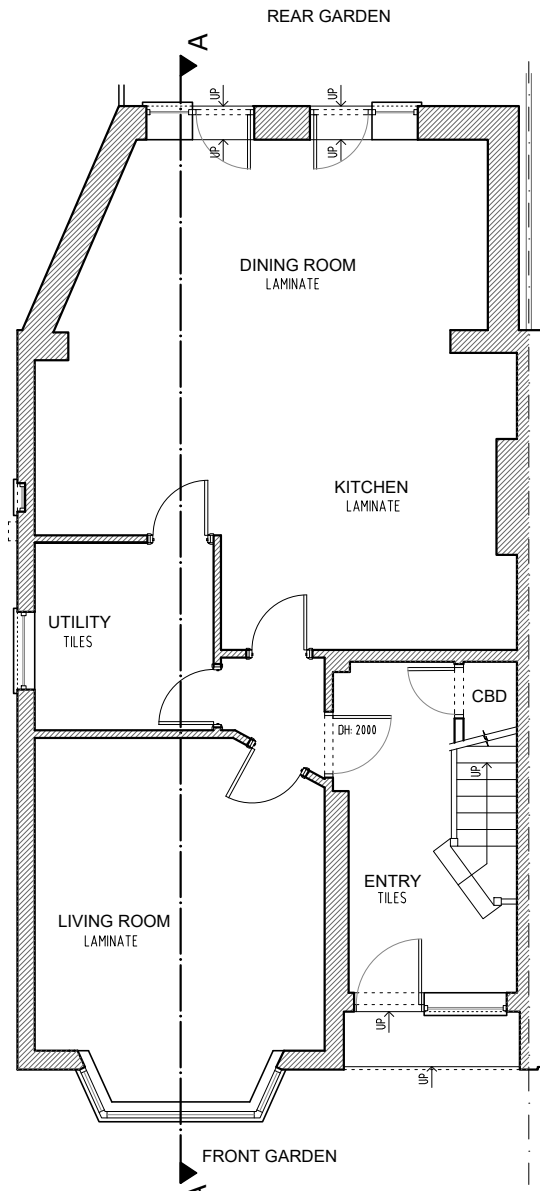
# AS BUILT



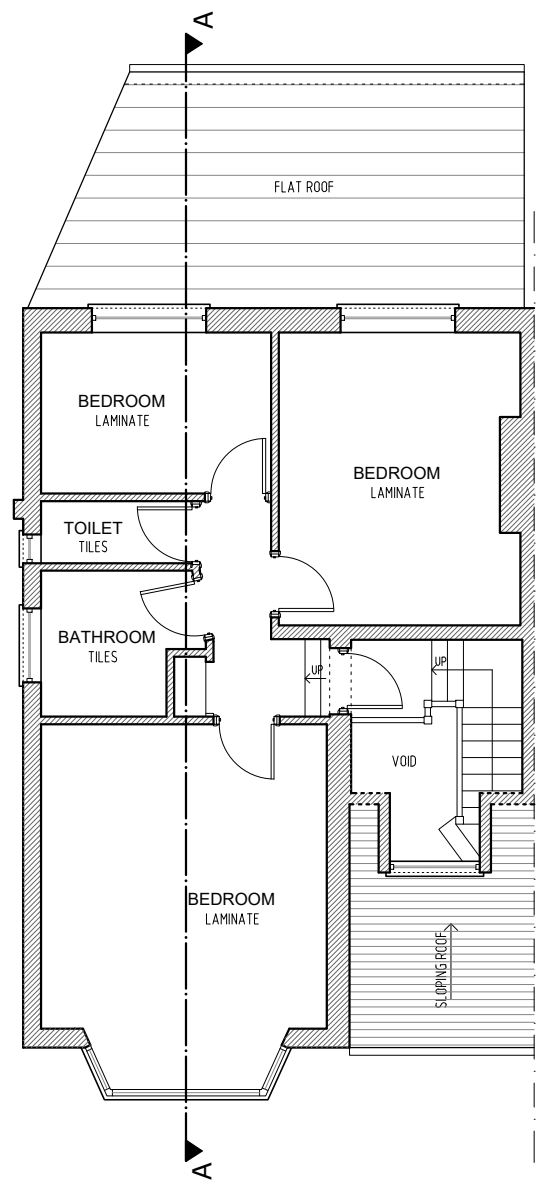
C - Sill Height  
 F - Window Height  
 CH - Ceiling Height  
 DH - Door Height

 <b>AJ PLANS</b> <a href="http://info@ajplans.co">info@ajplans.co</a>		<p><b>NOTES</b></p> <p>The contractors are to check all the dimensions, levels, drain runs and general condition of the site before works commence.</p> <p>All works are to be carried out in accordance with current Building Regulations, British Standards, Code of Practice and Local Authority Requirements.</p>	
<p><b>Project:</b>          11 Streatham Road,          Mitcham, CR42AD</p>			
<p><b>Title:</b>          AS BUILT          Floor Plans</p>		<p>Date: 13.06.23</p>	<p>Scale: 1:100 @ A3</p>
<p>Dwg. No. SR.11.AB.01</p>	<p>Rev:</p>	<p>Rev:</p>	<p>Rev:</p>

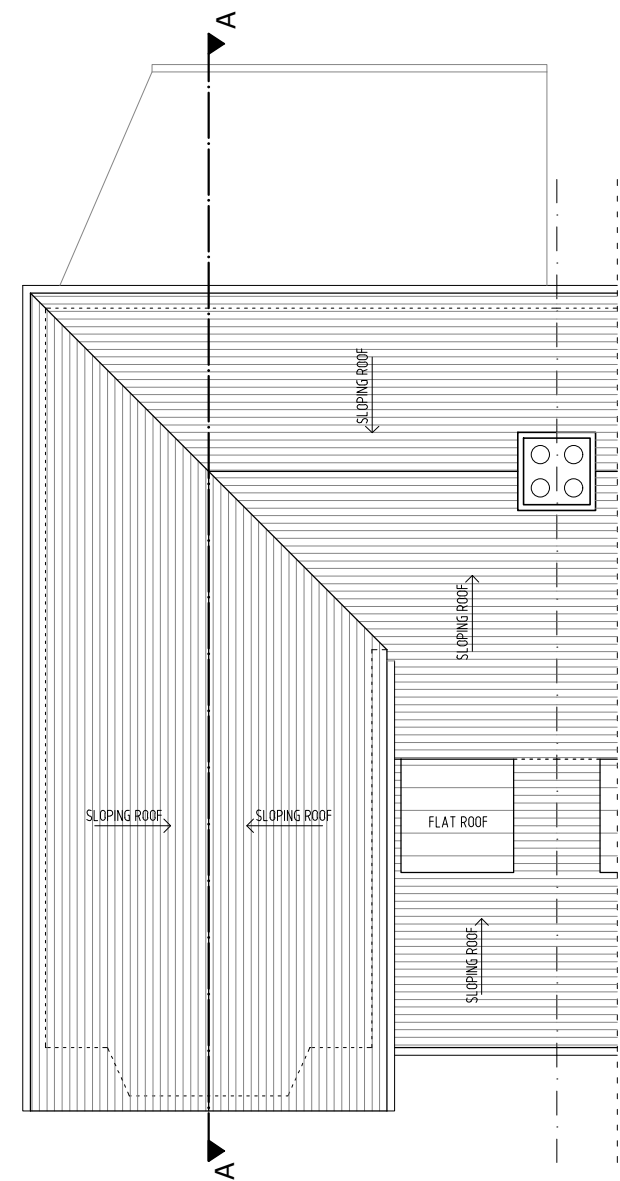
# PRE-EXISTING



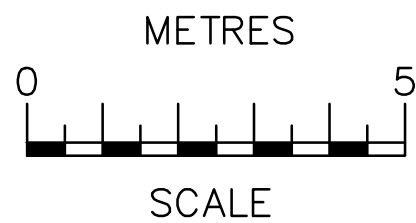
Ground Floor



First Floor



Roof Plan



C - Sill Height  
 F - Window Height  
 CH - Ceiling Height  
 DH - Door Height

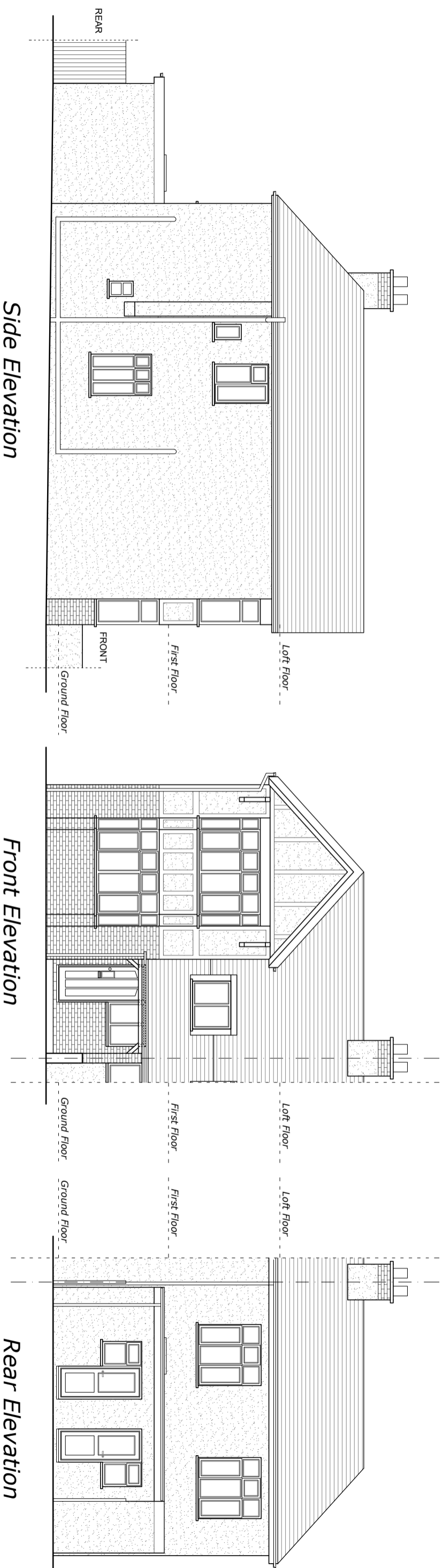


**AJ PLANS**  
 info@ajplans.co

**NOTES**  
 The contractors are to check all the dimensions, levels, drain runs and general condition of the site before works commence.  
 All works are to be carried out in accordance with current Building Regulations, British Standards, Code of Practice and Local Authority Requirements.

Project: <b>11 Streatham Road, Mitcham, CR42AD</b>	
Title: <b>PRE-EXISTING Floor Plans</b>	
Date: 13.06.23	Scale: 1:100 @ A3
Dwg. No. <b>SR.11.P-EX.01</b>	Rev:

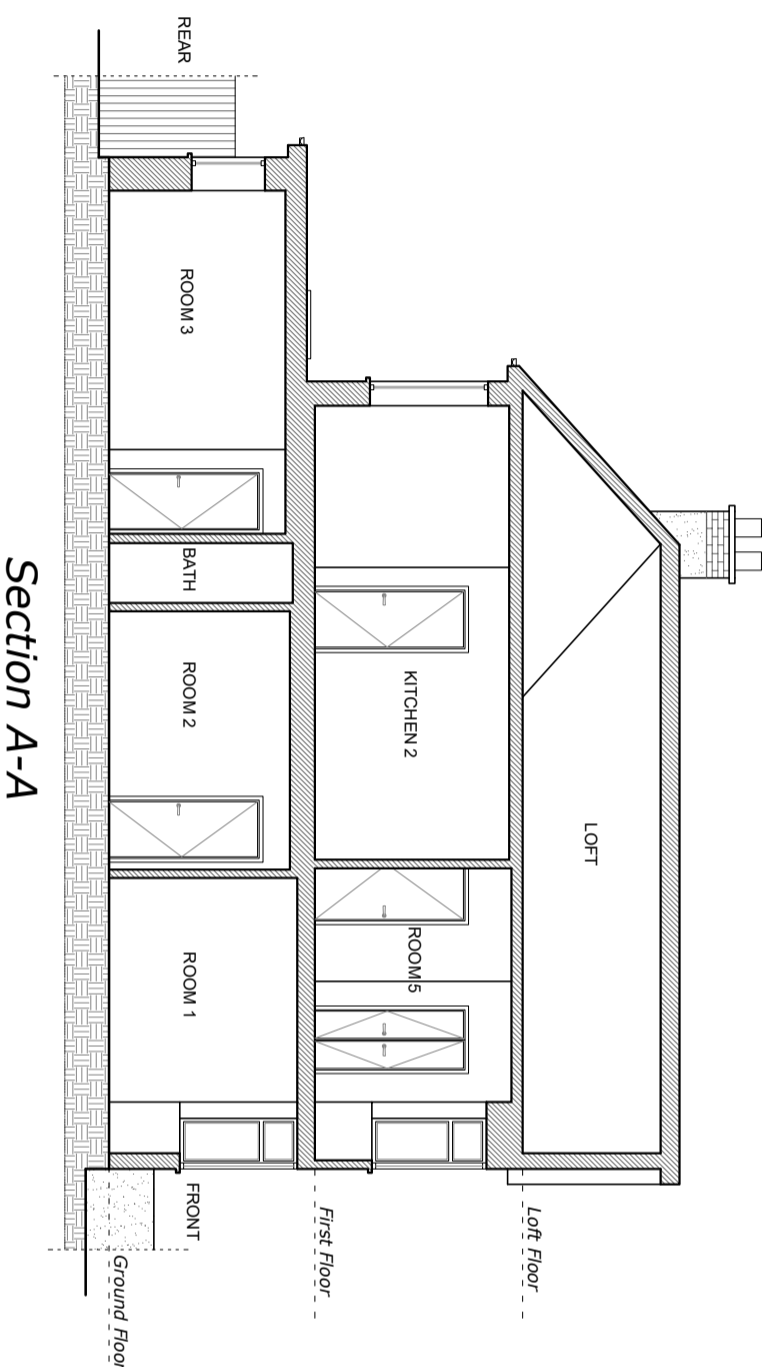
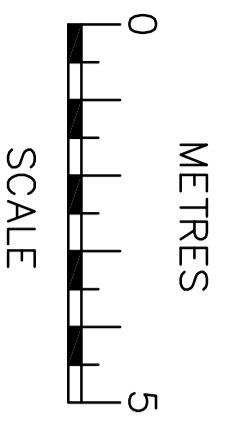
# PROPOSED




Side Elevation

Front Elevation

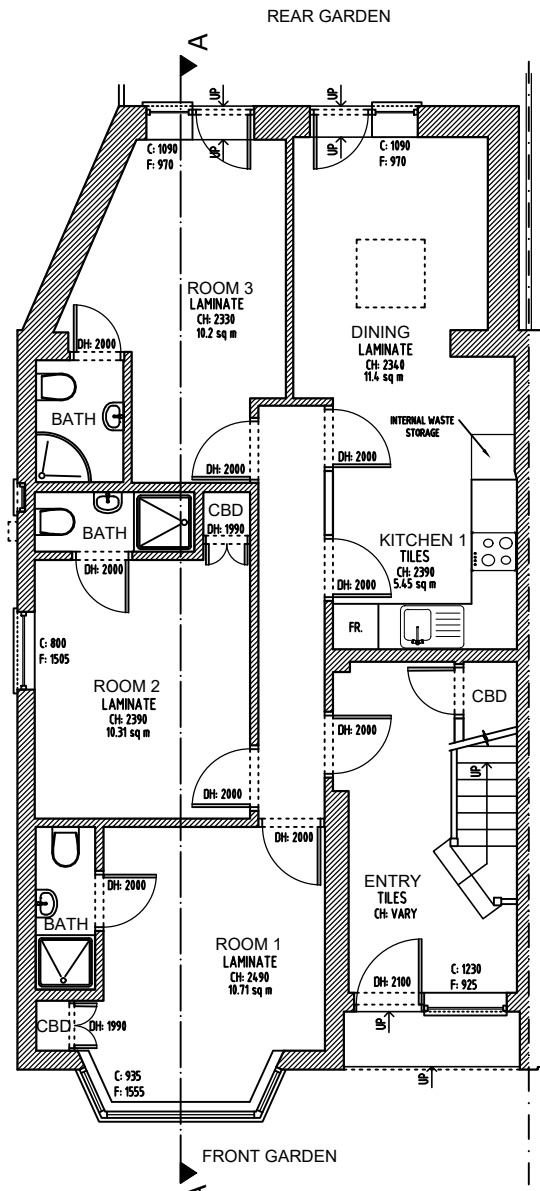
Rear Elevation



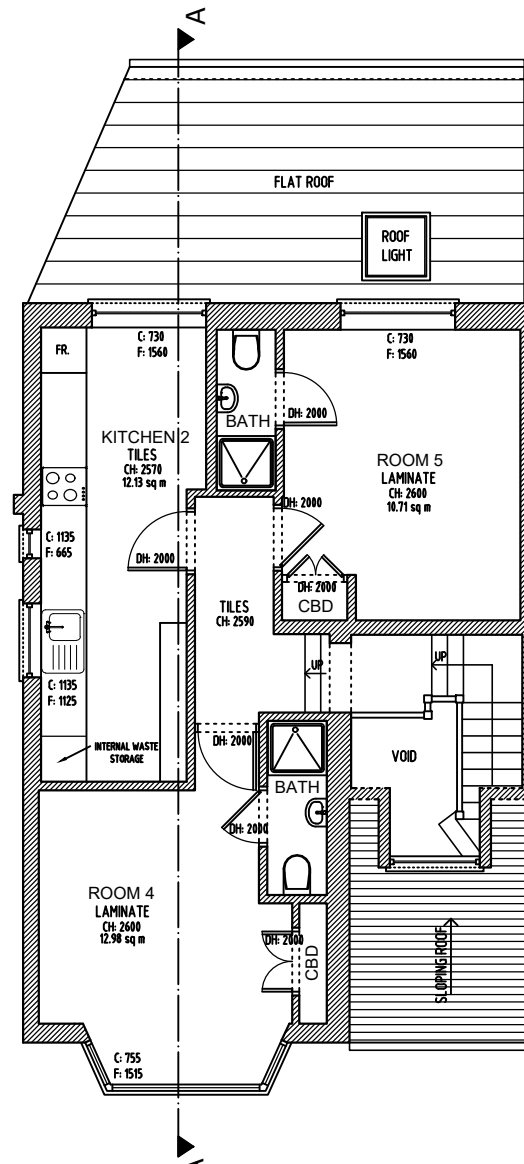
Section A-A

 <p><b>AJ PLANS</b> info@ajplans.co</p>		<p><b>NOTES</b> The contractors are to check all the dimensions, levels, drain runs and general condition of the site before works commence.</p> <p>All works are to be carried out in accordance with current Building Regulations, British Standards, Code of Practice and Local Authority Requirements.</p>	
<p><b>Project:</b> 11 Streatham Road, Mitcham, CR42AD</p>		<p><b>Title:</b> PROPOSED Section and Elevations</p>	
<p><b>Date:</b> 13.06.23</p>	<p><b>Scale:</b> 1:100 @ A3</p>	<p><b>Dwg. No.:</b> SR.11.PR.02</p>	<p><b>Rev.:</b></p>

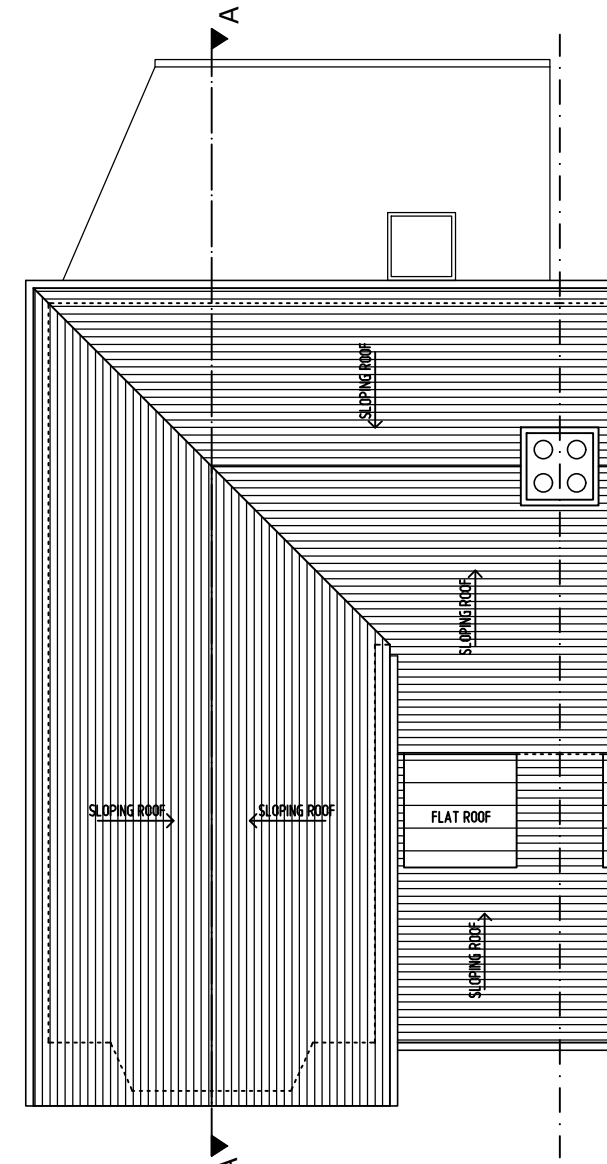
# PROPOSED



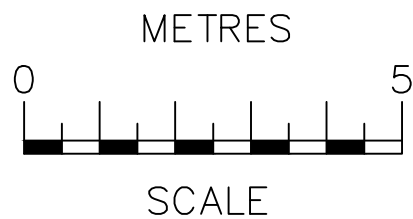
*Ground Floor*



*First Floor*



*Roof Plan*



C - Sill Height  
F - Window Height  
CH - Ceiling Height  
DH - Door Height



**NOTES**  
The contractors are to check all the dimensions, levels, drain runs and general condition of the site before works commence.

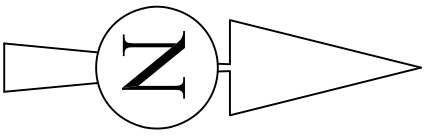
All works are to be carried out in accordance with current Building Regulations, British Standards, Code of Practice and Local Authority Requirements.

Project:  
**11 Streatham Road,  
Mitcham, CR42AD**


Title: **PROPOSED  
Floor Plans**

Date: 13.06.23 Scale: 1:100 @ A3

Dwg. No. **SR.11.PR.01** Rev: **B**



Licence number 100020449  
**Location Plan 1:1250**

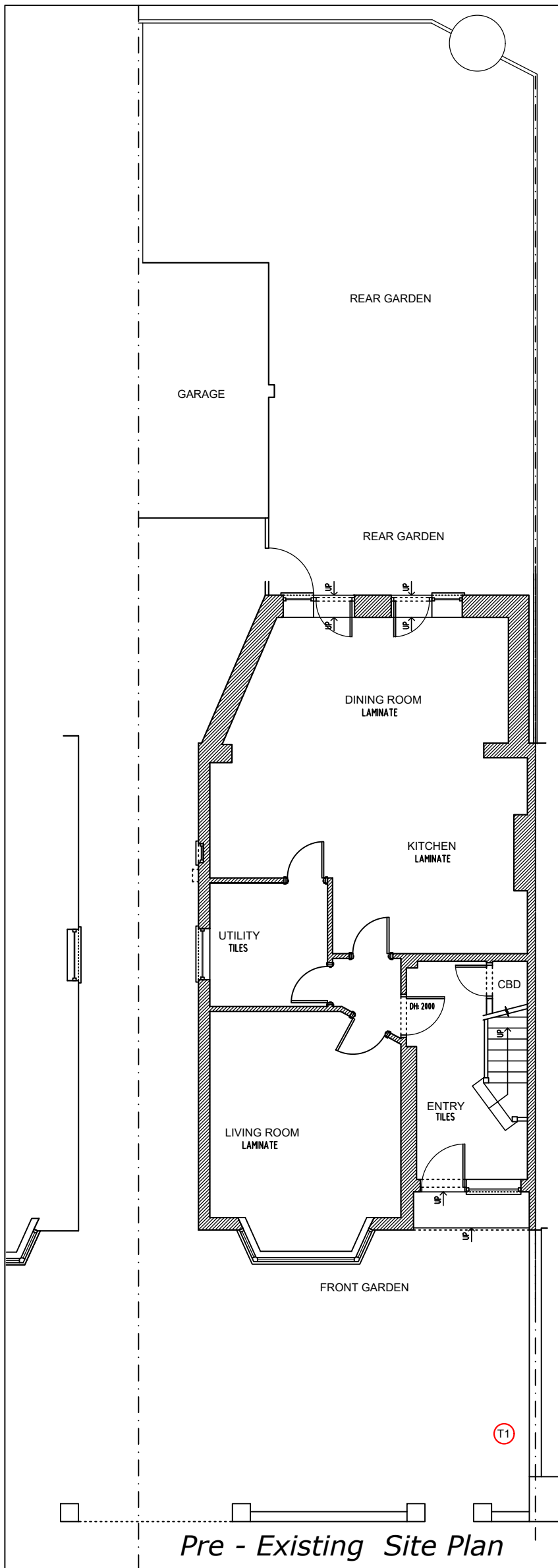
 Site

PROPERTY ADDRESS:  
**11 Streatham Road,  
Mitcham, CR42AD**

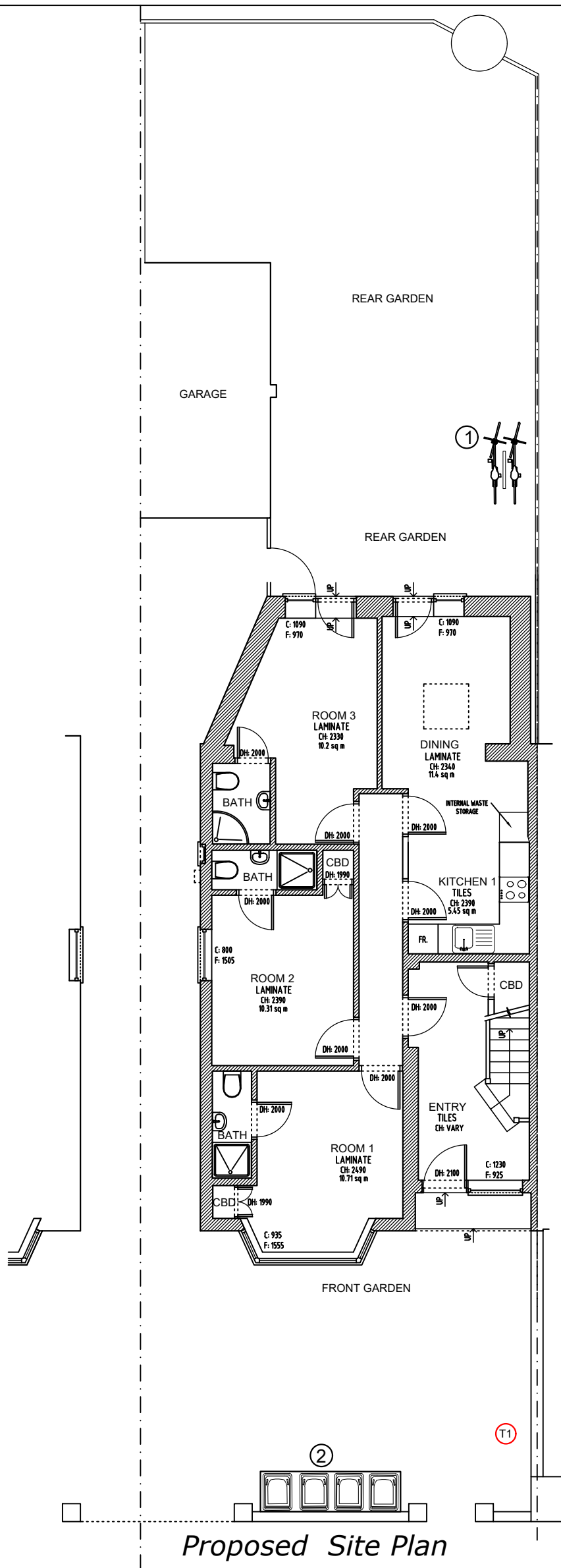
TITLE:  
Location Plan

SCALE: 1:1250 (A4) DRAWING No: SR.11.LP.

DATE: 15.06.23. DRAWN BY: A.J.

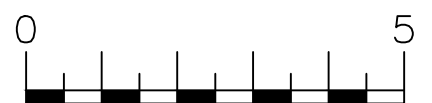


Pre - Existing Site Plan



Proposed Site Plan

METRES



SCALE

① Keter bike storage shed  
D 75 x W 133 x H 112cm



② Brick Bin enclosure  
to be incorporated into front boundary wall  
H 120 x W 284 x D 80cm  
x2 240l general waste  
x2 240l recycling



[ajplans.co](http://ajplans.co)

NOTES  
The contractors are to check all the dimensions, levels, drain runs and general condition of the site before works commence.

All works are to be carried out in accordance with current Building Regulations, British Standards, Code of Practice and Local Authority Requirements.

Project:  
**11 Streatham Road,  
Mitcham, CR42AD**

Title: **EXISTING & PROPOSED  
Site Plans**

Date: 13.06.23

Scale: 1:100 @ A3

Dwg. No. **SR.11.EX.PR.SP**

Rev: **B**