

PLANNING APPLICATIONS COMMITTEE
18 June 2015

	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	15/P0499	10/03/2015
Address:	14 Burley Close Streatham SW16 4QQ	
Ward	Longthornton	
Proposal	Change of use from a 6 bedroom House in Multiple Occupation (Use Class C4) to a 7 bedroom House in Multiple Occupation (Sui Generis) involving internal alterations.	
Drawing No's	Attachments 3 & 4 received 19/05/2015 & site location plan	
Contact Officer	Joyce Ffrench (020 8545 3045)	

RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions.

CHECKLIST INFORMATION.

- S106: N/A.
 - Is an Environmental Statement required: No
 - Conservation Area – No
 - Archaeological Priority Zone – No
 - Area at Risk from Flooding – No
 - Trees – No protected trees
 - Controlled Parking Zone – No
 - Design Review Panel consulted – No
 - Site notice – Yes
 - Press notice – No
 - 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 as a result of the public interest that has been expressed in the proposal and the planning site history.

2. SITE AND SURROUNDINGS

- 2.1 The application site provides a semi-detached property which has a two storey side/rear extension and an infill single storey rear extension. The property is located on a bend with both the front and side building elevations facing Burley Close.

- 2.2 The property was in use as a single family dwelling house until December 2013 when it was extended and converted for use as a House in Multiple Occupation and the garage converted to provide an additional 2 bedrooms with en-suite bathrooms. The conversion of a single family dwelling house (Use Class C3) into a House in Multiple Occupation for up to 6 people (Use Class C4) does not require the benefit of planning permission.
- 2.3 The property is not in an area at risk from flooding and is not located in a conservation area. The site has a Public Transport Accessibility Level of 2 (low to medium).

3 CURRENT PROPOSAL

- 3.1 The current lawful use of the application property is as a House in Multiple Occupation for up to 6 people (Use Class C4). The current proposal seeks planning permission for an additional bedroom within the building which will involve a change of use from planning Use Class C4 to a Sui Generis use (outside any use class).
- 3.2 The proposal does not involve any changes to the external appearance of the application building. The proposal does not include any changes to the internal layout at first floor level with three bedrooms each with individual bathroom facilities.
- 3.3 At ground floor level the proposal involves the provision of four bedrooms. The use of the habitable space within the previously converted garage as the additional bedroom (bedroom 7) with an en suite bathroom. Bedroom 4 has en suite shower facilities in the room, with bedrooms 5 and 6 sharing a bathroom. The current proposals include works to convert the office space to provide additional communal space with an arch providing open plan access to the adjacent existing communal space. At ground floor level bedroom 4 has shower facilities in the room, bedrooms 5 and 6 share a bathroom.
- 3.4 The application site is provided with a dropped kerb located to the rear of the existing property providing access to 3 off street car parking spaces which will be retained as part of the current proposal. The retained garden has an area of 93 square metres with existing cycle, refuse and recycling storage provision.
- 3.5 The applicant has provided the following information in support of the application: *“The purpose is to offer high quality, affordable shared accommodation to working professional people such as key workers, graduates, local workers and those on secondment with their employment (NB – Not students). The building has recently been refurbished to a very high standard by a reputable local building firm. Design features: Fully compliant with fire regulations including multiple smoke alarms, fire doors and fire protected stairs. Structural improvements with full planning permission including extended open-plan shared kitchen. Other alterations include en-suite bathrooms, ventilation, doubling of facilities and white goods: (ovens/cookers/fridges/freezers), fully compliant fire protection, smoke alarms, fire doors; Accommodation now comprises 7 adapted bedrooms (six in use) and communal areas”.*

3.6 As part of the current planning application the applicant has also requested the removal of a planning condition attached to the earlier planning permission that included the conversion of a garage into habitable space. The condition stated that *“the converted garage and office...shall not be occupied at any time other than for purposes incidental to the enjoyment of 14 Burley Close as a single dwelling”*. The current planning application involves the use of the garage as an additional bedroom linked to a larger house in multiple occupation. In the event that the current planning application is approved, this approval will supersede the earlier decision and the attached planning condition. In this context and in the absence of a separate planning application to remove this condition, this report does not make a separate assessment of the removal of condition 5 outside the context of the current proposal.

4. PLANNING HISTORY.

4.1 Planning permission was refused in June 2014 (LBM reference 14/P0787) for the change of use of the application property to an 8 bedroom house in multiple occupation (HMO). Planning permission was refused by the Planning Applications Committee for the reasons provided below. A subsequent appeal against the Council’s decision was dismissed with the appeal decision letter attached to this report:

“The proposals, by reason of the inadequate size of the communal living/dining kitchen space and its provision in the form of a single space, coupled with the likely occupancy levels of the HMO, would result in a cramped and unsatisfactory environment for future occupiers contrary to policy CS.14 b(vi) and d of the Merton LDF Core Planning Strategy (2011), policy DM.H5 of the draft Merton Sites and Policies Plan (2014) and Annex 1 of the London Plan’s Housing - Supplementary Planning Guidance (2012)”.

4.2 Planning permission was granted in November 2013 (LBM reference 13/P2721) for the erection of a single storey rear extension and the conversion of the garage to a habitable room including alterations to elevations.

4.3 A lawful development certificate was refused in (LBM reference 13/P1589) for a proposed single storey rear extension. The lawful development certificate was refused for the following reasons

“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”.

4.4 Planning permission was granted in November 2013 (LBM reference 88/P0334) for the erection of extension at first floor level and garage to side of

dwelling house. A planning condition sought the provision of the car parking space prior to occupation and for the retention of the space.

- 4.5 Other relevant planning permissions include permission for a single storey side extension MER369/78 and refusal of permission for a double garage MER932/69.

5. **CONSULTATION**

- 5.1 The submitted planning application was publicised by means of a site notice, and individual consultation letters sent to 58 local properties. As a result of this public consultation fifteen letters have been received objecting to the proposal on the following grounds:

- The altered space may be converted back to a bedroom at a later date as the en-suite facility is being retained;
- There are already parking, drainage and litter problems with the current 6 person HMO;
- Increased noise and disturbance, drainage problems, rat infestation and litter;
- High turnover of tenants is un-neighbourly;
- The proposal will result in further parking stress;
- Compromises security;
- The proposed additional space does not allow sufficient room and will result in cramped living conditions

- 5.2 **LB Merton Transport Planning** There is no objection to the development. The site benefits from 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.

- 5.3 **LB Merton Environmental Health** There is no objection to the planning application. The applicant is reminded that if planning permission is approved the House in Multiple Occupation will also require 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 [March 2015].

- 6.4 The relevant policies in the London Plan [July 2015] 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]; and 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 within the Merton LDF Core Planning Strategy (July 2011)

- 6.6 The relevant policies within the Council's Adopted Core Strategy (July 2011) are; CS4 (Raynes Park); CS7 (Centres); CS.8 (Housing choice); CS.9 (Housing provision); CS11 (Infrastructure); CS.14 (Design); CS.15 (Climate change); CS.18 (Active transport); CS.19 (Public transport); and CS.20 (Parking; servicing and delivery).

Merton Sites and Policies Plan (adopted July 2014)

- 6.7 The relevant policies within the Sites and Policies Plan are as follows: DM.H2 (Housing mix); DM.P1 (Securing planning obligations); DM.T1 (Support for sustainable travel and active travel); DM.T2 (Transport impacts from development); and DM.T3 (Car parking and servicing standards); DM D2 (Design considerations in all developments); DM H5 (Student housing, other housing with shared facilities and bedsits)

Merton Supplementary Planning Guidance

- 6.8 The key supplementary planning guidance relevant to the proposals is Planning Obligations [2006].

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; 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 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 Policy DM H5 of the Sites and Policies Plan (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:

i)The proposal will not involve the loss of permanent housing;

7.3 The current lawful use of the existing application property is as a house in multiple occupation. The current application involves the use of one of the rooms within the existing house as an additional seventh bedroom. The proposal will not involve the loss of permanent housing.

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

7.4 The current application involves the use of one of the rooms within the existing house as an additional seventh bedroom linked to the existing house in multiple occupation. The proposal will therefore not compromise any capacity to meet the supply of land for additional self-contained homes.

iii)The proposal meets an identified local need;

7.5 The Merton Strategic Housing Market Assessment was commissioned by the Council to guide the Council's future housing policies including the adopted Sites and Policies Plan.

7.6 The report of the Housing Market Assessment findings advises that *“Much of the growth of extra households in both the low and high estimates is expected to be single persons. For the low estimates there is projected to be a rise of 6,900 in the number of non-pensioner single person households and 1,900 single pensioners in the period 2006-2026. The high estimates show there are projected to be rises of 7,900 non-pensioner single person households and 2,600 single pensioners”*.

7.7 The assessment further advises that *“The implication of this situation for younger person single households is that they create demand for the private rented sector and this in turn drives its growth. Given that the income of many single people is below the threshold for market housing there would be a considerable demand for intermediate affordable housing”*.

7.8 The Housing Market Assessment found that much of the growth of extra households is expected to be single persons. This is considered to represent an identified local need for the accommodation that is proposed as part of the current planning application which aims to provide *“affordable shared accommodation to working professional people...”*.

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

- 7.9 The application site is in an area of predominantly family housing and the submitted proposal for the larger house in multiple occupation will increase the range of residential accommodation that is available locally. The proposal will not result in an overconcentration of similar uses and will not be detrimental to residential character. The impact on amenity is considered later with this assessed further later in this report.

v)The proposal complies with all relevant standards;

- 7.10 The proposal complies with all relevant standards with environmental health licencing requirements referred to later in this report.

vi)The proposal is fully integrated into the residential surroundings.

- 7.11 The current application does not involve any external alterations and internally involves the use of an existing room within the house as an additional bedroom. It is considered that the proposal is fully integrated into the residential surroundings.

- 7.12 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"*.

- 7.13 The Mayor of London Supplementary Planning Guidance (2012) on housing advises that *"outside London houses in multiple occupation 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 Houses in Multiple Occupation 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"*.

Standard of accommodation

- 7.7 Policies DM D2 and DM D3 of the Sites and Policies Plan [2014] state 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] state that the Council will require proposals for new homes to be well designed and fall within appropriate space standards

Internal layout and room sizes

- 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 The accommodation within the existing house in multiple occupation is considered to be a good standard in terms of internal layout, daylight provision and room sizes. The proposed additional bedroom has a floor area of 9.6 square metres which exceeds the London Plan Housing Supplementary Planning Guidance standard for a single room of 8 square metres. The proposed accommodation is also provided with a large open plan kitchen, living and dining area that is in accordance with London Plan Housing Supplementary Planning Guidance.

External amenity space

- 7.10 Sites and Policies Plan policy DM D2 states that developments will be expected to ensure appropriate provision of outdoor amenity space which accords with appropriate minimum standards and is compatible with the character of the surrounding area. The standard within the Sites and Policies Plan states that in accordance with the London Housing Design Guide, there should be 5 square metres of external space provided for one and two bedroom flats with an extra square metre provided for each additional bed.
- 7.11 The Mayor of London Supplementary Planning Guidance relating to housing states that all residential development should provide adequate private amenity space to meet the needs of future occupiers.
- 7.12 The rear garden of the property (80 square metres) provides adequate external amenity space in excess of minimum standards (10 square metres) with the external space considered to be a good standard including in terms of its proportions, and sunlight provision.

Environmental Health Licencing

- 7.14 In the event that planning permission is approved the applicant will also need to obtain 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.
- 7.15 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.

Neighbour amenity.

- 7.17 Policies DM D2 and DM D3 of the Sites and Policies Plan 2014 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. Sites and Policies Plan Policy DM D2 states that proposals for development will be expected to protect new and existing development from noise, or pollution so that the living conditions of existing and future occupiers are not unduly diminished.

- 7.18 The existing property has been lawfully used as a House in Multiple Occupation for six people (Use Class C4) since December 2013. The current proposal requires planning permission as the proposed provision of an additional seventh bedroom will exceed the threshold of 6 persons which determines whether a proposal would fall within Planning Use Class C4.
- 7.19 Whilst the assessment of the current application has to consider the cumulative impact of 7 occupants within the application property, the consideration of the application and assessment of potential impact also needs to have regard to the existing lawful use of the building providing accommodation for six occupants.
- 7.20 The current application does not involve any new extension to the application building and there is no additional floor space provided as part of the current planning application. The existing house could also be occupied by a large family or by extended family of more than 7 people without the need for planning permission.
- 7.21 It is considered that the use of the existing residential building for 7 occupants would be unlikely to harm the amenity of adjacent residential occupiers including in terms noise, traffic, or general disturbance. A planning condition is recommended stating that the accommodation should not be occupied by more than 7 occupants.

Traffic generation and car parking

- 7.22 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.
- 7.23 The accommodation is provided with 3 existing off street vehicle parking spaces to the rear of the property. This provision is considered to be adequate and in accordance with the maximum standards in the Core Strategy and in the London Plan. With the nature of the use, it is considered that the parking provision will not lead to issues on the adjacent road and this view is supported by Merton Transport Planning officers. Any increase in parking pressure that may arise from the higher level of occupancy can be safely accommodated on the existing road network.

Traffic and transport - Cycling

- 7.16 Policy CS 18 of the adopted Core Strategy (July 2011) states that the Council will promote active transport by prioritising the safety of pedestrian, cycle and other active transport modes; by supporting schemes and infrastructure that will reduce conflict between pedestrians, cyclists and other transport modes; and encouraging design that provides, attractive, safe, covered cycle storage, cycle parking and other facilities.
- 7.17 The proposed development shows existing cycle parking to the side of the site. A planning condition is recommended to ensure that cycle parking is provided in accordance with recently updated standards and retained for the benefit of future residents and users.

8. ENVIRONMENTAL IMPACT ASSESSMENT

- 8.1 The area of the application site is below the 1 hectare threshold and as a result the site falls outside the scope of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015. In this context there is no requirement for a screening opinion or for an Environmental Impact Assessment as part of this development.

9. LOCAL FINANCIAL CONSIDERATIONS

Mayor of London Community Infrastructure Lev

- 9.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy (CIL), the funds for which will be used by the Mayor of London towards the 'CrossRail' project. The current proposal would not be liable for the Mayoral Community Infrastructure Levy.

London Borough of Merton Community Infrastructure Levy

- 9.2 After approval by the Council and independent examination by a Secretary of State appointed planning inspector, in addition to the Mayor of London levy the Council's Community Infrastructure Levy commenced on the 1 April 2014. The current proposal would not be liable for the Mayoral Community Infrastructure Levy.

Planning Obligations

- 9.3 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 on street car parking available locally.
- 10.2 The current proposal will provide an additional bedroom within a house in multiple occupation that will offer good quality affordable accommodation. Across London similar accommodation is recognised 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 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 3 & 4 received 19/05/2015 & site location plan Reason for condition: For the avoidance of doubt and in the interests of proper planning.
3. Non-standard condition (Internal alterations) The internal alterations, consisting of the removal of the existing wall between the kitchen area, and the proposed communal area shall be completed before the occupation of the additional room hereby approved. Reason for the Condition. To ensure that the proposal provides a suitable standard of residential accommodation and to safeguard neighbour amenity and to ensure compliance with Sites and Policies policy DM D2.
4. Non-standard condition (Number of occupants) The house in multiple occupation hereby approved shall only be occupied by up to 7 people. Reason for the Condition. To ensure that the proposal provides a suitable standard of residential accommodation and to safeguard neighbour amenity and to ensure compliance with Sites and Policies policy DM D2.
5. Non-standard condition (Off street car parking) Prior to first occupation of the proposed new bedroom the off street car parking shall be in place that, with the car parking retained for the benefit of occupiers of the whole building permanently thereafter. Reason for condition: To ensure the provision of a satisfactory level of parking and comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Polices Plan 2014.
6. Non-standard condition (Cycle storage and parking) Prior to first occupation of the proposed new bedroom 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 and parking 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).
7. Non-standard condition (Refuse and recycling facilities) Prior to first occupation of the proposed new dwellings 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 CS13 and CS14 of the Adopted Core Strategy (July 2011).

8. Amended standard condition (External Lighting) Any new external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary. Reason for condition In order to safeguard the amenities of the area, the occupiers of neighbouring properties and wildlife using the green corridor at the rear of the site and to ensure compliance with Sites and policy DM D2 and policies CS13 and CS14 of the Adopted Merton Core Planning Strategy 2011.

INFORMATIVE:

- a) 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. In this instance the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.