

West Area Planning Committee

7th July 2015

Application Number: 15/01443/FUL

Decision Due by: 6th July 2015

Proposal: Change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4)

Site Address: 44 Union Street
(Site location – Appendix 1)

Ward: St Clement's Ward

Agent: Mr Simon Sharp

Applicant: Crampton Smith Properties

Application Called in – by Councillors –
Clack, Price, Sinclair, and Lloyd-Shogbesan

for the following reasons –
Concerns relating to balance of family dwellings relative to HMOs

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The development will not result in an overconcentration of Houses in Multiple Occupation in the local area and subject to the Conditions imposed, can provide acceptable facilities and amenities for a House in Multiple Occupation of this size situated in this area. The proposals would therefore make the best use of land and comply with the general aims of the Oxford Local Development Plan.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Submission of further matters - cycle and bin stores

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs

Core Strategy

- CS23_** - Mix of housing

Sites and Housing Plan (SHP)

- MP1** - Model Policy
- HP7_** - Houses in Multiple Occupation
- HP13_** - Outdoor Space
- HP15_** - Residential cycle parking
- HP16_** - Residential car parking

Other Material Considerations:

National Planning Policy Framework

Planning Practice Guidance

Relevant Site History:

13/01550/FUL - Erection of part single, part two storey rear extension.. PER 19th August 2013.

Representations Received:

24 Boulter Street: Object – HMO data [Licencing records] may not be accurate and actual number of HMOs may be higher than indicated.

17 London Place: Object – Policies HP1 and HP7 require any such application to provide a self contained dwelling of at least 75 SqM as part of the proposal. - As this dwelling is not part of the application, the application should be refused.

Statutory Consultees:

Local Highway Authority: No Objection

Determining Issues:

- Density of HMOs
- Facilities and amenities
- Parking

Officers Assessment:

Site Description and Background

1. 44 Union Street is a semi detached house with parking for 2 cars to the front / side of the house and a reasonably sized garden to the rear.
2. The site is highly sustainable, being situated conveniently located for bus routes along Morrell Avenue and the busy Cowley Road and with local supermarkets and facilities within 800m. Union Street is situated between the St Clements, Cowley Road and Divinity Road. Several areas of open space are also nearby, notably South Park.
3. Permission is now sought for a change of use from a single family dwelling (Use Class C3) to a small House in Multiple Occupation (HMO - Use Class C4).
4. Changes of use between use classes (C3 dwelling houses and C4 HMO's) would ordinarily benefit from permitted development rights and do not require a planning application to be submitted. However, the Government has given individual Councils the power, through the use of an "Article 4 Direction", to introduce controls locally. Oxford suffers from an acute shortage of housing and in order to ensure that an appropriate mix and quality of accommodation is provided across the City, Oxford City Council has made an Article 4 Direction allowing it to introduce local planning controls in terms of the change of use of a C3 dwelling to an HMO. Consequently as of 24 February 2012 planning permission is required within Oxford to change the use of a C3 dwelling house to a shared rented house (C4 HMO).

HMO Density

5. Policy CS23 of the Core Strategy states that Planning permission will only be granted for residential development that delivers a balanced mix of housing both within each site and across Oxford as a whole. Oxford has a large number of HMOs and in some areas of the city, high concentrations of HMOs are resulting in changes to the character of the local area.
6. The provision of HMOs is controlled through planning policy firstly by the removal of permitted development rights to change the use of a single dwelling to an HMO, and secondly by policy HP7 of the Sites and Housing Plan (SHP) which seeks to permit only a limited number of HMOs in any particular area.

the SHP, which directly addressed the issue of overconcentration of HMOs in Policy HP7 and its accompanying text. This states that permission for a change of use to an HMO will only be granted where the proportion of buildings used as an HMO within 100m of street length of the application site does not exceed 20%.

7. The current application included an assessment of the HMO density in its locality. calculating that there are 6 HMOs within a 100m street length that includes a total of 39 properties, giving a density of 15.4%.
8. Officers' own calculations indicate that there are around 37 buildings within 100m street length of 44 Union Street, both along Union Street itself and also along Morrell Avenue. Of these, licensing records indicate that 3 of these have, or have applied for an HMO license.
9. The actual number may be higher, due to some HMOs not being licensed, but the figures indicate that around 8.1% of buildings in the relevant area are HMOs, well below the 20% concentration defined in Policy HP7. Officers note the comment received that the records may not be entirely up to date, but even if the current application were to be approved, the number of HMOs in the relevant area would still need to double before the 20% level was breached.
10. The surrounding area does not therefore show a significant concentration of HMOs, the current proposal will not materially harm the overall mix of housing in the local area and the application complies with Policy CS23 of the Core Strategy and Policy HP7 of the SHP.

Facilities and Amenities

11. Policy HP7 of the Sites and Housing Plan also states that permission for a change of use to an HMO will only be granted where the applicant has demonstrated compliance with the City Council's good practice guide on HMO amenities and facilities. Policy HP13 of the SHP requires adequate provision for the safe, discrete and conveniently accessible storage of refuse and recycling whilst HP15 of the SHP requires the provision of adequate cycle parking.
12. The house will provide an acceptable level of communal and cooking space and four reasonably sized bedrooms. A W/C is provided to the first floor and a bath to the first floor. Both of these rooms meet the minimum space requirements and taken together, will meet the overall minimum sanitary provision for an HMO of up to 4 persons.
13. However, no information is provided in relation to cycle parking or refuse and recycling storage. There is a more than adequate area of outdoor space that could meet these needs and still provide an acceptable area of private open space. It is therefore considered reasonable for any grant of planning permission to be conditional on the submission of further details demonstrating an acceptable provision of cycle parking and bin storage to ensure that the available facilities would comply with the Facilities and Amenities Guide and Policies HP7, HP13 and HP15 of the SHP.

Parking

14. Although the site falls within a Controlled parking Zone, there is existing parking for 2 cars to the property which would remain. The Local Highway Authority has expressed no objection in relation to the application.

Other Matters

15. A comment has been received indicating that the proposal does not accord with the need to provide a self-contained dwelling as set out Policy HP1 of the SHP. However the accompanying text of the SHP (para A2.8) makes it clear that this policy does not apply to proposals for changes of use from C3 to C4.

Conclusion:

16. The development will not result in an overconcentration of Houses in Multiple Occupation in the local area and subject to the Conditions imposed, can provide acceptable facilities and amenities for a House in Multiple Occupation of this size situated in this area. The proposals would therefore make the best use of land and comply with the general aims of the Oxford Local Development Plan.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 15/01443/FUL

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Date: 26th June 2015

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